



# आरत का गज़त

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सं. 20]

नई दिल्ली, शनिवार, मई 18, 1996/वैशाख 28, 1918

No. 20]

NEW DELHI, SATURDAY, MAY 18, 1996/VAISAKHA 28, 1918

इस भाग में शिल्प पाठ में स्थान दी जाती है जिसमें कि प्रह अन्य मंकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए नाविदिक आदेश और अधिसूचनाएँ

Statutory Orders and Notifications Issued by the Ministry of the Government of India  
(Other than the Ministry of Defence)

विधि, न्याय और वाम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 30 अप्रैल, 1996,

का. आ. 1425.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री विजय पाल, एन्ड्रेकोट ने को उक्त प्राधिकारी को उक्त नियम के नियम 4 के अन्तर्गत एक आवेदन इस वात के लिए दिया है कि उसे दक्षिण दिल्ली पी. एम. बसन्त कुंज, राष्ट्रीय राजधानी में व्यवसाय करने के लिए नोटरी के रूप नियुक्ति पर किसी भी प्रकार का आवेदन इस सूचना के प्रकाशन के चौदह दिन के भीतर नियुक्ति रूप से मेरे पास आजा जाए।

[रं. 5(102)/96—न्यायिक]

पी. सी. काण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE AND COMPANY  
AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 30th April, 1996

S.O. 1425.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Vijay Pal, Advocate, for appointment as a Notary to practise in South Delhi P.S. Vasant Kunj, N.C.T. of Delhi.

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(102)/96-Jadl.]  
P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 मई, 1996

का. आ. 1426.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जजनाल गर्ग, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे भूतपूर्व (पंजाब) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौथह दिन के भीतर निर्धित रूप में भेरे पास भेजा जाए।

[मं. 5(104)/96—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1426.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Judge Paul Garg, Advocate for appointment as a Notary to practise in Muktsar (Punjab).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(104)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 मई, 1996

का. आ. 1427.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री वाई. वी. गोपालकृष्ण एडवोकेट ने के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मैसूर जिला (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौथह दिन के भीतर निर्धित रूप में भेरे पास भेजा जाए।

[मं. 5(105)/96—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1427.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Y. V. Gopalakrishna, Advocate for appointment as a Notary to practise in Mysore District (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(105)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 मई, 1996

का. आ. 1428.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री दया स्वरूप शर्मा, एडवोकेट ने के उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मिहिल कोट मैनपुरी (उत्तर प्रदेश) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौथह दिन के भीतर निर्धित रूप में भेरे पास भेजा जाए।

[मं. 5(106)/96—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1428.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Daya Swaroop Sharma, Advocate for appointment as a Notary to practise in Civil Court Mainpuri (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(106)/96-Judl.]

P. C. KANNAN, Competent Authority

सूचना

नई दिल्ली, 2 मई, 1996

का. आ. 1429.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री कृष्ण बिहारी लाल निगम, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे काण्डीवली (पुर्व) बम्बई (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौथह दिन के भीतर निर्धित रूप में भेरे पास भेजा जाए।

[मं. 5(107)/96—न्यायिक]

पी. सी. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1429.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Krishna Behari Lal Nigam, Advocate for appointment as a Notary to practise in Kandivli (East) Bombay (Maharashtra).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(107)/96-Judl.]

P. C. KANNAN, Competent Authority

## मूल्यना

नई दिल्ली, 2 मई, 1996

का. आ. 1430.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री पी. श्री. वालकृष्ण, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेंपुर मिट्टी (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आधेर इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में संरेखा से भेजा जाए।

[म. 5(108)/96-न्यायिक]

पी. श्री. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1430.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. P. V. Balakrishna, Advocate for appointment as a Notary to practise in Mysore City (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(108)/96-Judl.]

P. C. KANNAN, Competent Authority

## मूल्यना

नई दिल्ली, 2 मई, 1996

का. आ. 1431.—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री जयश्रीराम हरण, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उन वर्षीय, तहमील (मेरठ) उमर प्रदेश गवर्नर वे व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आधोप इस सूचना के प्रकाशन के चौदह दिन के भावतर लिखित रूप में संरेखा पास भेजा जाए।

[म. 5 (109)/96-न्यायिक]

पी. श्री. कण्णन, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 2nd May, 1996

S.O. 1131.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Sh. Jaivir Singh Rana, Advocate for appointment as a Notary to practise in Baraut Tehsil (Meerut) (U.P.).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(109)/96-Judl.]

P. C. KANNAN, Competent Authority

## कार्मिक, लोक शिकायत और पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

## आदेश

नई दिल्ली, 1 मई, 1996

का. आ. 1432.—केन्द्रीय सरकार, दिल्ली विशेष पुलिम स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पटित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, महाराष्ट्र राज्य सरकार की महमति से, जो गृह विभाग मंत्रालय, मुम्बई की अधिसूचना सं. कोटि-0395/(13)/पौल-II, तारीख 21-8-1995 द्वारा दी गई थी, श्रीमती. एस. बी. गायकवाड़, अपर जिला न्यायाधीश और अपर मैशन न्यायाधीश अकौला की, उनके तारीख 22-4-94 के पत्र संख्यांक 346/1994 द्वारा की गई शिकायत याचिका में अधिकथित ऐसे दालिङ्क अपराधों के, जो रिट याचिका (दालिङ्क) संख्यांक (एम.)/933/94 में भारत के उच्चतम न्यायालय द्वारा मिथ्या रूप से पारित उत्तरीशन किया गया है जिसमें कि अपर जिला न्यायाधीश और अपर सैशन न्यायाधीश, अकौला (महाराष्ट्र) के समक्ष उक्त कूटरचित और गड़े हुए तात्पर्यित शादें का कपटपूर्ण उपयोग करने के लिए उसके समक्ष भारतीय दण्ड संहिता की धारा 465, 466, 467, 468, 471 और 420 के अधीन प्रकटित अपराधों से, प्रभुदयाल और राजकुमार प्रत्येक को 25,000/- रु. के जमानती

मुचलके पेश करने पर जमानत पर उन्मोचित किए जाने के निदेश अन्तविष्ट है, और ऊपर वर्णित अपराधों में से एक या प्रधिक अपराधों के बारे में या के संबंध में तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संब्यवहार के क्रम में किए गए किसी अन्य अपराध या अपराधों के बारे में या के संबंध में प्रयत्नों, दुष्प्रेरणों और पद्यन्तों के अन्वेषण के लिए, दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकारिता का विस्तार इसके द्वारा सम्पूर्ण महाराष्ट्र राज्य पर करती है।

[सं. 228/31/96—ए. बी. डी.-II]

एस. सौंदर राजन, अवर सचिव

MINISTRY OF PERSONNEL, P. G. AND PENSIONS  
(Department of Personnel and Training)

ORDER

New Delhi, the 1st May, 1996

S.O. 1432.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Maharashtra vide Home Department Mantralaya Bombay's Notification No. Court-0395/(13)/Pol. It dated 21st August, 1995, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishments to the whole of the State of Maharashtra for investigation of criminal offences alleged in the complaint petition of Smt. S. B. Gaikwad, Additional District Judge and Additional Sessions Judge, Akola vide letter No. 346/1994, dated 22nd November, 1994, allegedly committed in the matter of forgery, fabrication and manipulations of purported order of Hon'ble Supreme Court of India falsely indicated to have been passed in Writ Petition (CL) No. (S) 933/95 containing directions in the letter dated 13th August, 1994 for release of Prabhu Dayal and Raj Kumar on bail on furnishing of bail bond of Rs. 25,000 each and fraudulent use of the said forged and fabricated order before the Court of Additional District Judge and Additional Sessions Judge, Akola (Maharashtra) disclosing offences under Sections 463, 466, 467, 468, 471 and 420 of the Indian Penal Code, 1860 (Act No. 45 of 1860) and attempts abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/31/96-AVD. II]

S. SOUNDAR RAJAN, Under Secy.

नई दिल्ली, 6 मई, 1996

एस. आ. 1433.—केन्द्रीय गवर्नर, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम

सं. 25) की धारा 6 के माध्य पठित धारा 5 की उम्बार (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश के प्रमुख गृह सचिव के पक्ष सं. 442/एम. पम./1/1-पी-3-95-15 (93)/पी/95-लखनऊ दिनांक 1-8-95 एवं पत्र सं. 831-पी/1/1-पुलिस-3-15 (93)/पी/95 दिनांक 23-2-96 द्वारा प्राप्त हुई उत्तर प्रदेश गज भगवार की सहमति सं दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार निम्नलिखित अपराधों के अन्वेषण के लिए संपूर्ण उत्तर प्रदेश राज्य पर करती है, अर्थात्:—

(क) पुलिस स्टेशन कोनवाली, जिला हरिहार, उत्तर प्रदेश में दर्ज किए गए अपराध सं. 675/95 के मामले रो संबंधित भारतीय दंड भंडिता, 1860 (1860 का अधिनियम सं. 45) की धारा 364 के अंतर्गत दंडनीय अपराध, आर

(ख) ऊपर वर्णित अपराधों के संबंध में या उनसे संस्कृत प्रयत्न, दुष्प्रेरण और पद्यन्त तथा उन्हीं तथ्यों से उत्पन्न होने वाले वैसे ही संब्यवहार के अनुक्रम में किया गया या किए गए कोई अन्य अपराध।

[संख्या 228/29/96-ए. बी. डी.-II]

एस. सौंदर राजन, अवर सचिव

New Delhi, the 6th May, 1996

S.O. 1433.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh, vide Home (Police) Section 3, No. 442 MM/VI-P-3-95-15(93)/P/95-Lucknow dated 1-8-1995 and letter No. 831-P/VI-Police 3-15(93)/P/95 dated 23-2-1996, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences as hereunder:—

(a) Offences punishable under Section 364 of the Indian Penal Code, 1860 (Act No. 45 of 1860), relating to case in Crime No. 675/95 registered at Police Station, Kotwali, District Hardwar, Uttar Pradesh, and

(b) Attempts, abetments and conspiracies in relation to or in connection with the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/29/96-AVD.II]  
S. SOUNDER RAJAN, Under Secy.

वित्त मंत्रालय

(आधिकारिक कार्य विभाग)

(वैकिंग प्रभाग)

नई दिल्ली, 24 अप्रैल, 1996

का.आ. 1434.—सरकारी स्थान (आधिकारियों की विवरणी) अधिनियम, 1971 (1971 का 10) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, प्रतद्वारा, निम्नलिखित आरणी के कानून (1) में उल्लिखित उन अधिकारियों को नियुक्त करती है जो सरकार के गजपत्रित अधिकारियों के सतर के गमकश अधिकारी हैं, भीर उन्नत अधिनियम के प्रयोगन के लिए “एस्टेट आक्सिस” होते हैं जो उक्त अधिनियम द्वारा प्रदत्त शक्तियों का प्रयोग करते तथा उनमें अधीन उक्त आरणी के कानून (2) में उल्लिखित सरकारी स्थानों के संबंध में

प्रयोग अधिकार द्वेष की स्थानीय सीमाओं के अंतर्गत एस्टेट आक्सिसरों को सोच जाए कर्तव्यों को पूरा करें।

भारती

अधिकारी का नाम सरकारी स्थानों की श्रेणियां श्री अधिकारी द्वेष की सीमा

1 मुख्य प्रबन्धक (विधि) श्रीरमेश्वर देव कामर्स की अधिका श्रीरमेश्वर देव का उम्मेद वारा अधिका उम्मेद भीर में पड़े पर कामर्स, प्रधान कार्यालय, लिए गए अवधारा उम्मेद अधिकारण में भारत नई दिल्ली। में किंवा भी स्थान पर अधिकार रखात।

[संख्या 15/5/96-बी.पी.ए.]

श्रीमती पी. मोहन, निदेशक

## MINISTRY OF FINANCE

(Department of Economic Affairs)

(Banking Division)

New Delhi, the 24th April, 1996

S.O. 1434.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby appoints the Officers mentioned in column (1) of the Table below, being Officers equivalent to the rank of a gazetted officer of Government, to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act in respect of the public premises specified in column (2) of the said Table.

## TABLE

| Designation of the Officer   | Categories of public premises and local limits of jurisdiction  |
|--|---|
| (1)  | (2)   |
| Chief Manager (Law)<br>Oriental Bank of Commerce, Head Office.<br>New Delhi. | Premises belonging to or taken on lease or requisitioned by or on behalf of Oriental Bank of Commerce at any place in India |

[No. 15/5/96-BOA]

SMT. P. MOHAN, Direct

नई दिल्ली, 24 अप्रैल, 1996

New Delhi, the 24th April, 1996

का.आ. 1435.—भारतीय बैंक की नियमति पर, बैंककारी विनियम अधिनियम, 1949 (1949 का 10) की धारा 56 के माध्यम से प्रदत्त धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्वारा, घोषणा करती है कि तिरुचिरापल्ली मिटी को-ऑपरेटिव बैंक, ल.ल., तिरुचिरापल्ली, पर 31 मार्च 1994 तथा 31 मार्च, 1995 की समाप्त वर्ष के लिए उसके द्वारा उसके तुमन पर, लाभ-शान्ति लेख्य पर्याय नेश्चा परीक्षक की रिपोर्ट समाचार पत्रों में प्रकाशित करने के संबंध में बैंककारी विनियम (सहकारी समितियों) नियमावली, 1966 के नियम 10 के गायब पहिले उक्त अधिनियम की धारा 31 के उपर्यावर नाम नहीं होते।

S.O. 1435.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of Reserve Bank of India hereby declares that the provisions of Section 31 of the said Act read with Rule 10 of the Banking Regulation (Cooperative Societies) Rules, 1966 shall not apply to the Tiruchirapalli City Co-operative Bank Ltd., in so far as they relate to the submission of their balance sheet and profit and loss account for the year ended 31st March, 1994 and 31st March, 1995 with the auditor's report to the Reserve Bank of India and publication thereof in a newspaper.

[ए.फ. संख्या 1(7)/96-ए.गी.]  
श्री. ए. नारायणन, अवर मंत्री[F. No. 1(7)/96-AC]  
B. A. NARAYANAN, Under Secy.

नई दिल्ली, 30 अप्रैल, 1996

का.प्रा. 1436.—केन्द्रीय सरकार, राजभाषा (संघ के ग्रामीण प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसारण में, स्टेट बैंक बीकानेर एंड जयपुर के निम्नलिखित कार्यालय को, जिनमें 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य-साधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करती है—

1. स्टेट बैंक बीकानेर एंड जयपुर  
बहादुरगढ़ शाखा,  
हरियाणा।

[संख्या 11016/3/96-हिन्दी]  
दी. आर. एस. चौधरी, निदेशक (प्रण.)

New Delhi, the 30th April, 1996

S.O. 1436.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (use for Official Purposes of the Union) Rules 1976, the Central Government, hereby, notifies the following office of State Bank of Bikaner & Jaipur, more than 80 per cent of the staff whereof have acquired the working knowledge of Hindi :—

1. State Bank of Bikaner & Jaipur,  
Bahadurgarh Branch,  
Haryana.

[F. No. 11016/3/96-Hindi]

D. R. S. CHAUDHARY, Director (Admn.)

नई दिल्ली, 1 मई, 1996

का.प्रा. 1437.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शावित्रों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपर्युक्त में इस अधिसूचना के प्रकाशन की तारीख से 31

[का. सं. 1(1)/96-एसी.]  
बी. ए. नारायणन, प्रवर मंत्री

New Delhi, the 1st May, 1996

S.O. 1437.—In exercise of the powers conferred by Section 53 read with section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Jila Sahakari Kendriya Bank Maryadit, Shivpuri, Madhya Pradesh from the date of publication of this notification in the Official Gazette to 31st March, 1988.

[F. No. 1(14)/96-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 2 मई, 1996

का.प्रा. 1438.—सं. बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शावित्रों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपर्युक्त में सरकारी राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से 31 मार्च, 1997 तक रांची-बिहार जिला सहकारी बैंक लि. (बिहार) पर लागू नहीं होगे।

[म. 1(15)/96-ग्रो.]

बी. ए. नारायणन, प्रवर मंत्री

New Delhi, the 2nd May, 1996

S.O. 1438.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Ranch-Khundi Distt. Central Co-operative Bank Ltd., (Bihar) from the date of publication of this notification in the official Gazette to 31 March, 1977.

[F. No. 1(15)/96-AC]  
B. A. NARAYANAN, Under Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंवालय  
(भारतीय मानक व्यूरो)

नई दिल्ली, 27 मार्च, 1996

का.प्रा. 1439 भारतीय मानक व्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड "ब" के अनुसारण में भारतीय मानक व्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिये गए मानक (कों) में संशोधन किया गया है/ किये गये हैं।

अनुमूल्य

कम संख्या संशोधित भारतीय मानक की संख्या और वर्ष

संशोधन की संख्या और नियम

संशोधन नाम होने की  
तारीख

(1) (2)

(3)

(4)

1. आई एस 302-2-30(1993)

संशोधन सं. 3,

96-03-31

मार्च 1996

2. आई एस 302-2-201(1992)

संशोधन सं. 4

96-03-31

मार्च 1996

(1) (2)

(3)

(4)

|                                  |                              |          |
|----------------------------------|------------------------------|----------|
| 3. आई एस 366 : 1991              | संशोधन सं. 4<br>मार्च 1996   | 96-03-31 |
| 4. आई एस 771 (भाग 2) : 1985      | संशोधन सं. 1<br>दिसम्बर 1995 | 95-12-31 |
| 5. आई एस 1009 : 1979             | संशोधन सं. 2<br>दिसम्बर 1995 | 95-12-31 |
| 6. आई एस 1485 : 1993             | संशोधन सं. 1<br>जनवरी 1996   | 96-01-31 |
| 7. आई एस 1571 : 1992             | संशोधन सं. 1<br>फरवरी 1996   | 96-02-29 |
| 8. आई एस 1741 : 1960             | संशोधन सं. 5<br>फरवरी 1996   | 96-02-29 |
| 9. आई एस 2039 (भाग 1 में 3) : 91 | संशोधन सं. 1<br>दिसम्बर 1995 | 95-12-31 |
| 10. आई एस 2047 : 1992            | संशोधन सं. 2<br>दिसम्बर 1995 | 95-12-31 |
| 11. आई एस 2083-1991              | संशोधन सं. 1<br>फरवरी 1996   | 96-02-29 |
| 12. आई एस 2323 : 1983            | संशोधन सं. 2<br>जनवरी 1996   | 96-01-31 |
| 13. आई एस 2324 (भाग 1) : 1985    | संशोधन सं. 2<br>जनवरी 1996   | 96-01-31 |
| 14. आई एस 2639 : 1984            | संशोधन सं. 3<br>जनवरी 1996   | 96-01-31 |
| 15. आई एस 2653 : 1993            | संशोधन सं. 2<br>फरवरी 1996   | 96-02-29 |
| 16. आई एस 3131 : 1986            | संशोधन सं. 1<br>मार्च 1996   | 96-03-31 |
| 17. आई एस 3829 (भाग 1) : 1978    | संशोधन सं. 6<br>जनवरी 1996   | 96-01-31 |
| 18. आई एस 3831 : 1979            | संशोधन सं. 4<br>जनवरी 1996   | 96-01-31 |
| 19. आई एस 4326 : 1993            | संशोधन सं. 1<br>दिसम्बर 1995 | 95-12-31 |
| 20. आई एस 4344 : 1978            | संशोधन सं. 1<br>जनवरी 1996   | 96-01-31 |
| 21. आई एस 4494 : 1968            | संशोधन सं. 1<br>जनवरी 1996   | 96-01-31 |
| 22. आई एस 4666 : 1980            | संशोधन सं. 2<br>फरवरी 1996   | 96-02-29 |
| 23. आई एस 4774 (भाग 1) : 1982    | संशोधन सं. 1<br>फरवरी 1996   | 96-02-29 |

| (1)                           | (2)                          | (3) | (4)      |
|-------------------------------|------------------------------|-----|----------|
| 24. आई एम 4787 : 1968         | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 25. आई एस 5022 : 1989         | संशोधन सं. 2<br>जनवरी 1996   |     | 96-01-31 |
| 26. आई एम 5273 : 1969         | संशोधन सं. 2<br>जनवरी 1996   |     | 96-01-31 |
| 27. आई एम 5337 : 1969         | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 28. आई एम 5866 : 1979         | संशोधन सं. 1<br>फरवरी 1996   |     | 96-02-29 |
| 29. आई एम 6083 : 1971         | संशोधन सं. 1<br>फरवरी 1996   |     | 96-02-29 |
| 30. आई एस 6171 : 1992         | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 31. आई एम 6173 (भाग 1) : 1992 | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 32. आई एस 6173 (भाग 2) : 1992 | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 33. आई एम 6175 (भाग 1) 1992   | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 34. आई एम 6175 (भाग 4) : 1991 | संशोधन सं. 2<br>जनवरी 1996   |     | 96-01-31 |
| 35. आई एम 6175 (भाग 8) : 1992 | संशोधन सं. 1<br>जनवरी 1996   |     | 96-01-31 |
| 36. आई एम 6313 (भाग 2) : 1981 | संशोधन सं. 5<br>जनवरी 1995   |     | 95-01-31 |
| 37. आई एम 7036 : 1982         | संशोधन सं. 1<br>जनवरी 1996   |     | 95-01-31 |
| 38. आई एम 7083 : 1973         | संशोधन सं. 2<br>जनवरी 1996   |     | 96-01-31 |
| 39. आई एम 7371 : 1982         | संशोधन सं. 3<br>मार्च 1996   |     | 96-03-31 |
| 40. आई एम 8931 : 1993         | संशोधन सं. 1<br>अक्टूबर 1995 |     | 95-10-31 |
| 41. आई एम 9363 : 1980         | संशोधन सं. 3<br>फरवरी 1996   |     | 96-02-29 |
| 42. आई एम 10103 : 1982        | संशोधन सं. 2<br>जनवरी 1996   |     | 96-01-31 |

| 1   | 2                 | 3                          | 4        |
|-----|-------------------|----------------------------|----------|
| 43. | आईएस 11055 : 1984 | संशोधन सं. 1<br>जनवरी 1996 | 96-01-31 |
| 44. | आईएस 11300 : 1985 | संशोधन सं. 1<br>जनवरी 1996 | 96-01-31 |
| 45. | आईएस 13457 : 1992 | संशोधन सं. 2<br>जनवरी 1996 | 96-01-31 |
| 46. | आईएस 13794 : 1993 | संशोधन सं. 1<br>जनवरी 1996 | 96-01-31 |
| 47. | आईएस 13828 : 1993 | संशोधन सं. 1<br>जनवरी 1996 | 96-01-31 |

इन संशोधनों की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002 और धेनीय कार्यालयों नई रिली, कलकत्ता, चण्डीगढ़ तथा मद्रास और याक्का कार्यालयों शहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बत्तूर, फरीदाबाद, गाजिराबाद, गुआहाटी, हैदरगाबाद, जयपुर, कानपुर, लखनऊ, पटना, यियवनन्थापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के.प्र.वि./13 : 5]

जी.रामन, अपर महानिदेशक

MINISTRY OF CIVIL SUPPLIES  
CONSUMLR AFFAIRS & PUBLIC DISTRIBUTION  
(BUREAU OF INDIAN STANDARDS)

New Delhi, the 27th March, 1996

S.O. 1439.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been issued:

SCHEDULE

| Sl. No. and year of the Indian Standard(s) amended<br>No. | No. and year of the amendment    | Date from<br>which the<br>amendment<br>shall have<br>effect |     |
|---|----------------------------------|---|-----|
| (1)   | (2)                              | (3)   | (4) |
| 1. IS 302-2-30 (1993)                                     | Amendment No. 3<br>March 1996    | 96-03-31  |     |
| 2. IS 302-2-201 (1992)                                    | Amendment No. 4<br>March 1996    | 96-03-31  |     |
| 3. IS 366 : 1991  | Amendment No. 4<br>March 1996    | 96-03-31  |     |
| 4. IS 771 (Part 2) : 1985                                 | Amendment No. 1<br>December 1995 | 95-12-31  |     |
| 5. IS 1009 : 1979   | Amendment No. 2<br>December 1995 | 95-12-31  |     |

| (1) | (2)                         | (3)                              | (4)      |
|-----|-----------------------------|----------------------------------|----------|
| 6.  | IS 1485 : 1993              | Amendment No. 1<br>January 1996  | 96-01-31 |
| 7.  | IS 1571 : 1992              | Amendment No. 1<br>February 1996 | 96-02-29 |
| 8.  | IS 1741 : 1960              | Amendment No. 5<br>February 1996 | 96-02-29 |
| 9.  | IS 2039 (Parts 1 to 3) : 91 | Amendment No. 1<br>December 1995 | 95-12-31 |
| 10. | IS 2047 : 1992              | Amendment No. 2<br>December 1995 | 95-12-31 |
| 11. | IS 2083 : 1991              | Amendment No. 1<br>February 1996 | 96-02-29 |
| 12. | IS 2323 : 1983              | Amendment No. 2<br>January 1996  | 96-01-31 |
| 13. | IS 2324 (Part 1) : 1985     | Amendment No. 2<br>January 1996  | 96-01-31 |
| 14. | IS 2639 : 1984              | Amendment No. 3<br>January 1996  | 96-01-31 |
| 15. | IS 2653 : 1993              | Amendment No. 2<br>February 1996 | 96-02-29 |
| 16. | IS 3131 : 1986              | Amendment No. 1<br>March 1996    | 96-03-31 |
| 17. | IS 3829 (Part 1) : 1978     | Amendment No. 6<br>January 1996  | 96-01-31 |
| 18. | IS 3831 : 1979              | Amendment No. 4<br>January 1996  | 96-01-31 |
| 19. | IS 4326 : 1993              | Amendment No. 1<br>December 1995 | 95-12-31 |
| 20. | IS 4344 : 1978              | Amendment No. 1<br>January 1996  | 96-01-31 |
| 21. | IS 4494 : 1968              | Amendment No. 1<br>January 1996  | 96-01-31 |
| 22. | IS 4666 : 1980              | Amendment No. 2<br>February 1996 | 96-02-29 |
| 23. | IS 4774 (Part 1) : 1982     | Amendment No. 1<br>February 1996 | 96-02-29 |
| 24. | IS 4787 : 1968              | Amendment No. 1<br>January 1996  | 96-01-31 |
| 25. | IS 5022 : 1989              | Amendment No. 2<br>January 1996  | 96-01-31 |
| 26. | IS 5273 : 1969              | Amendment No. 2<br>January 1996  | 96-01-31 |
| 27. | IS 5337 : 1969              | Amendment No. 1<br>January 1996  | 96-01-31 |
| 28. | IS 5866 : 1979              | Amendment No. 1<br>February 1996 | 96-02-29 |
| 29. | IS 6083 : 1971              | Amendment No. 1<br>February 1996 | 96-02-29 |

| (1) | (2)                     | (3)                              | (4)      |
|-----|-------------------------|----------------------------------|----------|
| 30. | IS 6171 : 1992          | Amendment No. 1<br>January 1996  | 96-01-31 |
| 31. | IS 6173 (Part 1) : 1992 | Amendment No. 1<br>January 1996  | 96-01-31 |
| 32. | IS 6173 (Part 2) : 1992 | Amendment No. 1<br>January 1996  | 96-01-31 |
| 33. | IS 6175 (Part 1) : 1992 | Amendment No. 1<br>January 1996  | 96-01-31 |
| 34. | IS 6175 (Part 4) : 1991 | Amendment No. 2<br>January 1996  | 96-01-31 |
| 35. | IS 6175 (Part 8) : 1992 | Amendment No. 1<br>January 1996  | 96-01-31 |
| 36. | IS 6313 (Part 2) : 1981 | Amendment No. 5<br>January 1995  | 95-01-31 |
| 37. | IS 7036 : 1982          | Amendment No. 1<br>January 1996  | 96-01-31 |
| 38. | IS 7083 : 1973          | Amendment No. 2<br>January 1996  | 96-01-31 |
| 39. | IS 7371 : 1982          | Amendment No. 3<br>March 1996    | 96-03-31 |
| 40. | IS 8931 : 1993          | Amendment No. 1<br>October 1995  | 95-10-31 |
| 41. | IS 9363 : 1980          | Amendment No. 3<br>February 1996 | 96-02-31 |
| 42. | IS 10103 : 1982         | Amendment No. 2<br>January 1996  | 96-01-31 |
| 43. | IS 11055 : 1984         | Amendment No. 1<br>January 1996  | 96-01-31 |
| 44. | IS 11300 : 1985         | Amendment No. 1<br>January 1996  | 96-01-31 |
| 45. | IS 13457 : 1992         | Amendment No. 2<br>January 1996  | 96-01-31 |
| 46. | IS 13794 : 1993         | Amendment No. 1<br>January 1996  | 96-01-31 |
| 47. | IS 13828 : 1993         | Amendment No. 1<br>January 1996  | 96-01-31 |

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Calcutta, Chandigarh, and Madras and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

नवी विल्ली, 22 अप्रैल, 1996

का. आ. 1140.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के संडूच 'ख' के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है है कि नीचे दिये गए मानक(कों) में संशोधन किया गया है/किये गये हैं।

अनुसूची

| क्रम सं. | संशोधित भारतीय मानक की संख्या और वर्ष | संगोष्ठन की संख्या और विधि    | संशोधन लागू होने की तारीख |
|----------|---------------------------------------|-------------------------------|---------------------------|
| (1)      | (2)                                   | (3)                           | (4)                       |
| 1.       | आई एस 245 : 1988                      | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 2.       | आई एस 542 : 1968                      | संशोधन सं. 3<br>दिसम्बर 1995  | 95-12-31                  |
| 3.       | आई एस 1239 (भाग 1) : 1990             | संशोधन सं. 4<br>दिसम्बर 1995  | 95-12-31                  |
| 4.       | आई एस 1511 : 1979                     | संशोधन सं. 3<br>दिसम्बर 1995  | 95-12-31                  |
| 5.       | आई एस 2520 : 1984                     | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 6.       | आई एस 2547 (भाग 1) : 1976             | संशोधन सं. 2<br>दिसम्बर 1995  | 95-12-31                  |
| 7.       | आई एस 2556 (भाग 2) : 1994             | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 8.       | आई एस 2556 (भाग 3) : 1994             | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 9.       | आई एस 2556 (भाग 4) : 1994             | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 10.      | आई एस 2556 (भाग 5) : 1994             | संशोधन सं. 1<br>दिसम्बर 1995  | 95-12-31                  |
| 11.      | आई एस 3163 : 1965                     | संशोधन सं. 1<br>नवम्बर 1995   | 95-11-30                  |
| 12.      | आई एस 3902 : 1975                     | संशोधन सं. 2<br>दिसम्बर 1995  | 95-12-31                  |
| 13.      | आई एस 4707 (भाग 2) : 1993             | रांशोधन सं. 1<br>दिसम्बर 1995 | 95-12-31                  |
| 14.      | आई एस 4929 : 1978                     | संशोधन सं. 2<br>दिसम्बर 1995  | 95-12-31                  |
| 15.      | आई एस 5277 : 1978                     | संशोधन सं. 3<br>दिसम्बर 1995  | 95-12-31                  |
| 16.      | आई एस 5831 : 1984                     | संशोधन सं. 2<br>दिसम्बर 1995  | 95-12-31                  |
| 17.      | आई एस 6175 (भाग 7) : 1992             | संशोधन सं. 1<br>जनवरी 1996    | 96-01-31                  |

| (1)                    | (2) | (3)                          | (4)      |
|------------------------|-----|------------------------------|----------|
| 18. आई एस 6177 : 1981  |     | संशोधन सं. 3<br>दिसम्बर 1995 | 95-12-31 |
| 19. आई एस 11048 : 1984 |     | संशोधन सं. 1<br>जनवरी 1996   | 96-01-31 |
| 20. आई एस 11459 : 1985 |     | संशोधन सं. 1<br>दिसम्बर 1995 | 95-12-31 |

इन संशोधनों की प्रतियां भारतीय मानक व्यूरो, मानक भवन, 9 वहादुरशाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों मुम्बई, कलकत्ता, अण्डीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलोर, भोपाल, भूनेश्वर, कोयम्बतूर फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, सख्तनऊ, पटना तथा थिरुवनन्तपुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के प्राचि/13 : 5]  
जी. रामन, अपर महानिदेशक

New Delhi, the 22nd April, 1996

S.O. 1440.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been issued:

#### SCHEDULE

| Sl. No. and year of the Indian Standard(s) amended<br>No. |     | No. and year of the amendment    | Date from<br>which the<br>amendment<br>shall have effect |
|---|-----|----------------------------------|--|
| (1)   | (2) | (3)                              | (4)  |
| 1. IS 245 : 1988  |     | Amendment No. 1<br>December 1995 | 95-12-31   |
| 2. IS 542 : 1968  |     | Amendment No. 3<br>December 1995 | 95-12-31   |
| 3. IS 1239 (Part 1) : 1990                                |     | Amendment No. 4<br>December 1995 | 95-12-31   |
| 4. IS 1511 : 1979   |     | Amendment No. 3<br>December 1995 | 95-12-31   |
| 5. IS 2520 : 1984   |     | Amendment No. 1<br>December 1995 | 95-12-31   |
| 6. IS 2547 (Part 1) : 1976                                |     | Amendment No. 2<br>December 1995 | 95-12-31   |
| 7. IS 2556 (Part 2) : 1994                                |     | Amendment No. 1<br>December 1995 | 95-12-31   |
| 8. IS 2556 (Part 3) : 1994                                |     | Amendment No. 1<br>December 1995 | 95-12-31   |
| 9. IS 2556 (Part 4) : 1994                                |     | Amendment No. 1<br>December 1995 | 95-12-31   |

| (1) | (2)                     | (3)                              | (4)      |
|-----|-------------------------|----------------------------------|----------|
| 10. | IS 2556 (Part 5) : 1994 | Amendment No. 1<br>December 1995 | 95-12-31 |
| 11. | IS 3163 : 1965          | Amendment No. 1<br>November 1995 | 95-11-30 |
| 12. | JS 3902 : 1975          | Amendment No. 2<br>December 1995 | 95-12-31 |
| 13. | IS 4707 (Part 2) : 1993 | Amendment No. 1<br>December 1995 | 95-12-31 |
| 14. | IS 4929 : 1978          | Amendment No. 2<br>December 1995 | 95-12-31 |
| 15. | IS 5277 : 1978          | Amendment No. 3<br>December 1995 | 95-12-31 |
| 16. | JS 5831 : 1984          | Amendment No. 2<br>December 1995 | 95-12-31 |
| 17. | IS 6175 (Part 7) : 1992 | Amendment No. 1<br>January 1996  | 96-01-31 |
| 18. | IS 6177 : 1981          | Amendment No. 3<br>December 1995 | 95-12-31 |
| 19. | IS 11048 : 1984         | Amendment No. 1<br>January 1996  | 96-01-31 |
| 20. | IS 11459 : 1985         | Amendment No. 1<br>December 1995 | 95-12-31 |

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13:5]

G. RAMAN, Addl. Director General

विदेश मंत्रालय

नई दिल्ली, 18 दिसंबर, 1995

मांग. 1441.—राजनयिक कोंसली अधिकारी (शपथ एवम् शुल्क) प्रधिनियम, 1948 (1948 का 41वां) की धारा 2 के अक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौसलावास व्रस्त में सहायक श्री ए.एस. उपाध्याय को 11 अप्रैल, 1996 कोंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/1/95]

मम. पी. गवाई, मंत्र निवास  
(सीधोएस.)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 18th December, 1995

S.O. 1441.—In pursuance of the Clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oath and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises Shri A.S. Upadhyay, Assistant in the Embassy of

India Brussels to perform the duties of Consular Agent with effect from 11-4-96.

[T. 4330/1/95]

M. P. GAVAI, Under Secy.

नई दिल्ली, 30 अप्रैल, 1996

का.आ. 1442.—राजनयिक कोंसली अधिकारी (शपथ एवम् शुल्क) प्रधिनियम 1948 (1948 का 41वां) की धारा 2 के अक (क) के अनुसरण में केन्द्रीय सरकार एतद्वारा भारत का प्रधान कौसलावास जहाह में सहायक श्री कर्ण सिंह को 26 अप्रैल 1996 से कोंसली एजेंट का कार्य करने के लिए प्राधिकृत करती है।

[टी-4330/2/96]

हामाय साहा, निदेशक (सीधीबी)

New Delhi, the 30th April, 1996

S.O. 1442.—In pursuance of the Clause (ii) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby authorises

Shri Karan Singh Assistant in the Constable General of Indian Jeddah to perform the duties of Consular Agent with effect from 26th April, 1996.

[T. 4330/2/96]  
HOMAI SAHA, Director(CPV)

श्रम मंत्रालय  
(रोजगार एवं प्रशिक्षण महानिदेशालय)  
नई दिल्ली, 18 अप्रैल, 1996

का.आ. 1443.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग (नियम "1976" के नियम 10 के उप-नियम(4) के अनुसरण में एक्स्क्लारा रोजगार एवं प्रशिक्षण महानिदेशालय (श्रम मंत्रालय) के निम्नलिखित अधीनस्थ कार्यालयों को जिनके कर्मचारियों ने हिती का कार्यसाधक ज्ञान-प्राप्त कर लिया है, अधिमूचित करता है:—

- (क) भेदीय महिला व्यावसायिक प्रशिक्षण संस्थान, इलाहाबाद।
- (ख) भेदीय शिक्षुता प्रशिक्षण निदेशालय, फरीदाबाद।

[संख्या डी जी ई डी-11017(1)/94-हिन्दी]  
कृष्ण शर्मा, अवर सचिव

MINISTRY OF LABOUR  
(Directorate General of Employment and Training)

New Delhi, the 18th April, 1996

S.O. 1443.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following subordinate offices of the Directorate General of Employment and Training (Ministry of Labour), the staff whereof have acquired the working knowledge of Hindi.

1. R.V.T.I. Allahabad
2. Regional Directorate of Apprenticeship Training, Faridabad.

[No. DGET-11017/1/94-Hindi]  
KRISHNA SHARMA, Under Secy.

नई दिल्ली, 19 अप्रैल, 1996

का.आ. 1444.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एन.आई.सी. के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट प्रौद्योगिक विवाद में, प्रौद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-96 को प्राप्त हुआ था।

[संख्या 17011/02/97 दी IV (ए)/आईआर (बी-II)]  
श्री.के. शर्मा, डैस्ट्रिक्ट अधिकारी

New Delhi, the 19th April, 1996

S.O. 1444.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute

between the employers in relation to the management of L.I.C. of India and their workmen, which was received by the Central Government on 18-4-1996.

[No. L-17011/02/87-D.IV (A)/IR (B-II)]  
V. K. SHARMA, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Monday the 11th day of March, 1996

#### PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal, Industrial Dispute No. 120 of 1987

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Life Insurance Corporation of India, Kozhikode).

#### BETWEEN

The workmen represented by :

The General Secretary,  
L.I.C. Employees Union,  
Kozhikode Division,  
C/o L.I.C. of India, Division Office, Kozhikode-673001.

#### AND

The Divisional Manager,  
Life Insurance Corporation of India,  
Kozhikode Divisional Office,  
P.B.No. 177, Kozhikode-673001.

#### REFERENCE :

Order No. L-17011/2/87-D.IV(A), dated 6-10-87  
Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Monday, the 19th day of February, 1996 upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru D. Hariharan, advocate appearing for the workmen and of Tvl. A. L. Somayaji and R. Arumugam, advocates appearing for the management and this dispute having stood over till this day for consideration, this Tribunal made the following

#### AWARD

The Government of India, by its order No. L-17011/2/87-D.IV(A), Ministry of Labour, dated 6-10-87 referred for adjudication by this Tribunal under Section 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :

"Whether the action of the management of the Life Insurance Corporation of India in refusing the demand for payment of overtime allowance to jeep and mobile van drivers employed in their Kozhikode Division is justified? If not, to what extent are concerned workmen are entitled to?"

2. After service of summons both the petitioner and respondent filed their respective claim statement and counter statement

The case of the Petitioner union as per the claim statement as follows :

The petitioner-Union has raised a dispute on behalf of 4 drivers employed by Divisional Manager L.I.C. of India Kozhikode Division. They are utilised as mobile van drivers in publicity and jeep drivers. Their duties are interchangeable. They are required to do 8 hours duty every day. But actually they are required to work for more than 15 hours contin-

uously, while they are on tour. The claim for payment of overtime wages is rejected by the Management. They are entitled for overtime wages as per clause 55 of the L.I.C. of India staff regulation 1960. The claim for overtime is not entertained on the erroneous interpretation that intermittent gap between spells of drivings could not be counted as duties. The duty of the driver on tour is not actual driving only. The driver has to look after the vehicle till the Officer returns from the Official work. The safety and security of the Vehicle is entrusted to the driver. The drivers duty cannot be divided into one of actual driving and the other of looking after the vehicle. The drivers are required to help the Projector operator in organising cine equipments. The drivers duty will end only when the driver is released by the Officer and the vehicle is put in the garage. The discomfort allowance is paid to drivers to compensate the prolonged absence from head-quarters. So the drivers of jeep and mobile vans are entitled for overtime wages. Hence an award may be passed accordingly.

The respondent filed its counter stating that the reference is misconceived not maintainable and bad in law. The Government of Kerala by the notification dated 4-8-77 have entirely exempted all the provisions of Kerala shop and establishment Act from applying to the employee of the respondent Corporation. The drivers are not workers in the factory. They are covered only by the Staff Regulation and instruction issued thereunder from time to time. The existing provision regarding overtime payment was determined in accordance with instructions issued under Regulation 4. In exercise of the powers conferred by sub-section 2 of Section 11 of the Life Insurance Corporation Act the Central Government notified an order on 1-6-57. This order has statutory force and binding the workmen represented by the petitioner. Item 10 of the order says the hours for sub-staff, such as cleaners, watchman drivers and the like whose work is inherently of an intermittent nature shall be fixed by the competent authority of the Corporation. The Life Insurance Corporation Act 1956 was amended in the year 1981. Before the amendment Section 49 of the Act empowered the Corporation to frame regulations with previous approval of the Central Government. The Corporation has framed the Life Insurance Corporation Staff Regulation 1960. Regulation No. 55 provides for overtime payment. In the year 1971 there was an amendment to the above said Regulation. As per the amended Act the Staff Regulation and other provisions relating to the terms and conditions of service of the employees of the Corporation shall be deemed to be the rules made by the Central Government under Section 48 of the Act. The amendment empowers the Central Government to exercise the powers under Section 48 notwithstanding anything contained among other in the Industrial Disputes Act 1947 or any other law, agreement or settlement or Award in force. The regulation framed under Act 1 of 1981 have the force of law and are statutory in character and effect. Regulation 4 empowers the Chairman to issue instructions from time to time to give effect to and to carry out the provisions of the staff Regulation and to secure effective control over the Staff. The instructions so issued to implement Regulation 55 provides in so far as payment of overtime to jeep mobile vans is concerned. "Overtime will be allowed only for the number of hours for which they are required to drive the jeep or mobile van in excess of 8 hours". The above such provisions were in force for a very long time. The subsequent settlement regarding other demands the employees did not include any demand relating to the payment of overtime to jeep and mobile van drivers. Discomfort allowance was given to the jeep and mobile van drivers from 1-9-71. In 1974 two settlements came into effective. The payment of overtime to worker at all material time was and is still regulated by the provisions of the Corporation Establishment Manual, which are instructions issued under Regulation 4 from time to time. The extra hours over and above their duty hours were duly compensated.

The 4 drivers mentioned in the claim petition are employed in the Corporation. They are required to work only for 8 hours at the wheel. The claim of the union that the drivers should be paid overtime beyond the period of 8 hours irrespective of whether they were on the wheel while on tour are not correct. The case of drivers besides the daily allowance

they are also being paid discomfort allowance. Discomfort allowance is being paid to mobile vans and jeep drivers as a special case to compensate any extra work and the discomfort arising due to the extra work. Hence the claim of the petitioner may be dismissed.

The respondent filed additional counter on 23-8-94 stating a full Bench of the Madras High Court in a case reported in 1993 I LLJ 1030 has taken the view that the Industrial Dispute Act is excluded from the field covered by Section 48(2) (cc) of the Life Insurance Corporation Act. Therefore this Tribunal has no jurisdiction to entertain and decide the dispute.

By consent M-1 to M-14 and W-1 to W-3 marked.

The Point for consideration is :

"Whether the action of the management of the Life Insurance Corporation of India in refusing the demand for payment of overtime allowance to jeep and mobile van drivers employed in their Kozhikode Division is justified ? If not, to what relief the concerned workmen are entitled to ?"

The Petitioner Union has raised the above dispute because the mobile van and jeep driver are denied the overtime wages for which they are entitled to under clause 55 of the regulation of the respondent corporation. The mobile van and jeep drivers normal working hours will be 8 hours excluding lunch interval. Ex. W-3 is the copy of the appointment order of one of the drivers. As per clause 55 of the Regulation which is marked as W-1, the Corporation may sanction overtime payment to an employee belonging to class III or Class IV who is required to work on Sundays or holidays or put in extra hours on week days in connection with the corporation's work subject to the provisions of Local enactment. The mobile van and jeep drivers are required to work more than 8 hours when they are on tour. The drivers are required to help the projector operator in organising the cine equipment and starting the programme while he is present as per exhibit W-3. The Staff car drivers are paid overtime wages if they are asked to do extra work beyond the normal working hours. There is no justification in denying the overtime wages to the mobile van and jeep drivers alone. The denial of the Corporation is against their own regulation 55. It is contended by the Respondent's Counsel that the reference itself is bad in law. The Respondent Corporation is constituted under the Life Insurance Corporation Act 1956. As per Section 49 of the Act the Corporation is empowered to frame Regulations with the previous approval of the Central Government providing for the terms and conditions of service of the employee of the Corporation. Accordingly, the Corporation framed Staff Regulation 1960 Ex. M-2. In 1981 the LIC Act 1956 was amended. In 1957 the Central Government passed an Order in pursuance of Section 11 of the 1956 Act. As per clause 10 of the order the number of hours of work are fixed for the employees. It provides the hours of work for all other categories of sub-staff such as cleaners, watchman, drivers and the like whose work is inherently of an intermittent nature shall be fixed by the competent authority of the Corporation. After the amendment of the Act in 1981 the Staff Regulation and other Provisions relating to the terms and conditions of the service of the employee shall be deemed to be the Rules made by the Central Government. The Central Government is empowered to exercise the powers under Section 48 notwithstanding anything contained among other in the Industrial Dispute Act or any other law Agreement or Settlement or Award in force. The Chairman of the Corporation in exercise of the powers conferred under Regulation 4 issued from time to time instructions for the implementation of the Regulation. The instructions issued to far as payment of overtime to jeep and mobile van drivers is concerned "Overtime will be allowed only for the number of hours for which they are required to drive the jeep or mobile van in excess of 8 hours". The payment of overtime to the workmen was and is still regulated by the Provisions of the Establishment Manual which are instructions issued under Regulation 4. Ex. M-9 is the extract of the Establishment Manual. The Regulations framed and instructions issued for the implementation of the Regulations are statutory in character. They have the force of law as per decision reported in 1994 (68 FLR 791). The terms and conditions of services of the employees Corporation are governed by the Regulations and instructions issued and the provisions of the Industrial

Dispute Act will not apply. As per the decision of Our High Court reported in 1993 I LLJ page 1030 in respect of matters covered by Rules the provisions of the Industrial Dispute Act will not be operative. In the present case regarding the payment of overtime to the mobile van and jeep drivers it is governed by the Regulations and instructions of the Corporation. Ex. M-3 is one of the circulars issued by the Corporation regarding payment of discomfort allowance and payment of overtime to jeep and mobile van drivers. Therefore regarding the claim for overtime wages to mobile van and jeep drivers which is governed by the Regulation and instruction of the Corporation issued under Section 48 Sub-Clause 2(cc) is not maintainable before this Tribunal. This Tribunal has no jurisdiction to decide the matters which are governed by Corporation Regulation. If there is a violation of the Regulation by the Corporation then in respect of that violation this Tribunal has jurisdiction. It is not the case of the Petitioner the Corporation failed to pay overtime wages in violation of the Regulations framed by the Corporation.

In the Result an Award is passed dismissing the Claim of the Petitioner holding this Tribunal has no jurisdiction to decide the dispute referred by the Government. No costs. Dated this 11th day of March 1996.

THIRU N. SUBRAMAINAN, Industrial Tribunal  
WITNESSES EXAMINED

For both sides :

None.

#### DOCUMENTS MARKED

For Workman :

Ex. W-1—Extract of clause 55 of L.I.C. Staff Regulations 1960 (Xerox copy)

Ex. W-2—Extract of 1st page of award passed by the Calcutta Bench Central Administrative Tribunal—Reference No. 24/79 (Xerox copy)

Ex. W-3/27-3-74—Appointment Order issued to Thiru D. Sivasankaran (Xerox copy)

For Management :

Ex. M-1/1-6-57—Order No. 53(1)—Ins (1)/57, Ministry of Labour, Government of India (Xerox copy)

Ex. M-2—Extract of Page 18 of L.I.C. Staff Regulation, 1960 (Xerox copy)

Ex. M-3/9-11-71—Circular issued by L.I.C. Central Office to all Zonal and Divisional Managers regarding discomfort allowance payable to Mobile van and jeep drivers (Xerox copy)

Ex. M-4/10-7-73—Circular issued by L.I.C. Central Office to all Zonal and Divisional Managers regarding discomfort allowance payable to Mobile van and jeep drivers (Xerox copy)

Ex. M-5/4-8-77—Letter from the Secretary to Government, Labour Department, Government of Kerala to the Management-Corporation (Xerox copy)

Ex. M-6/24-1-74—Memorandum of settlement u/s 18 of the Industrial Disputes Act 1947 between the Management-Corporation and the workmen represented by All India Insurance Employees Association and 3 others regarding revision scales of pay, D.A., H.R.A. etc. (Xerox copy)

Ex. M-7/4-10-82—Award Ref. No. 24/79 passed by the Central Government Industrial Tribunal, Calcutta regarding overtime allowance (Xerox copy)

Ex. M-8/6-86—Judgement of the High Court, Calcutta (Xerox copy)

Ex. M-9/29-3-66—Extract of preface and page No. 256 from Establishment Manual (Xerox copy)

Ex. M-10/20-6-70—Memorandum of Settlement between L.I.C. and All India Insurance Employees Association and 3 others regarding revision of scales of pay, allowances and other terms and conditions of services (Xerox copy)

Ex. M-11/24-1-74—Same as Ex. M-6 (Xerox copy).

Ex. M-12/6-2-74—Memorandum of Settlement between L.I.C. and All India Insurance Employees Association and 3 others regarding revision of scales of pay, D.A., H.R.A. etc. (Xerox copy)

Ex. M-13/11-4-85—Notification from Ministry of Finance, Department of Economic Affairs, Government of India relating to revision of terms and conditions of service class III and class I employees of Management Corporation (Xerox copy).

Ex. M-14—Xerox copy of Gazette of India—Extraordinary Part II Section I dated 17-3-1981 publishing amendment of section I of 1981 of the Life Insurance Corporation (Amendment) Act, 1981 (Xerox copy).

का.आ. 1445 श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट श्रौद्धोगिक विवाद में, श्रौद्धोगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-4-96 को प्राप्त हुआ था।

[संख्या-12012/392/98 डी-II ए/आई आर(डी-II)]

वी.के. शर्मा, डैस्क अधिकारी

New Delhi, the 19th April, 1996

S.O. 1445.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 18-4-96.

(No. L-12012/392/88D. IIA/IR(B-II)  
V. K. SHARMA, Desk Officer

#### ANNERURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Tuesday the 12th day of March, 1996

PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal.

INDUSTRIAL DISPUTE NO. 80 OF 1988

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes

Act, 1947 between the workmen and the management of Indian Bank, Madras-1).

BETWEEN :

The workmen represented by The General Secretary, Indian Bank Employees Union, No. 25, II Line Beach, Madras-600001.

AND

The General Manager, Indian Bank, 25 Second Line Beach, Beach, Madras-600001.

REFERENCE :

Order No. L-12012/392/88-D. II(A), dated 20-12-1988, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday the 30th day of January 1996, upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiruvalargal R. Vaigai and S. Vaidyanathan, for Tvl. Row & Reddy, advocates appearing for the workmen and of Thiru. G. Venkataraman, or Tvl. Aiyar and Dolia and R. Arumugam, advocates appearing for the management, and this dispute having stood over till this day for consideration, this Tribunal made the following

AWARD

The Government of India by its Order No. L-12012/392/88-D. II(A) dated 20-12-1988, Ministry of Labour, referred for adjudication by this Tribunal under Section 10(1) (d) of the Industrial Disputes Act, 1947 regarding the dispute :

"Whether the management of Indian Bank is justified in dismissing Sh. K. V. Kuppaji Rao, sub. staff employed in Denkanikottah Branch on the basis of the findings of the domestic enquiry ? If not, to what relief the workman concerned is entitled and from what date ?"

After service of summons, both the petitioner and respondent filed their respective claim statement and counter statement.

The case of the Petitioner as per the claim statement is as follows :

The delinquent Kuppaji Rao joined the services as Daftri 20 years back. He was served with suspension cum charge sheet on 11-7-85 for the misconduct of misappropriation. The delinquent employee submitted his explanation. The alleged confession letter dated 4-5-85 was dictated and obtained under duress by the Branch Manager Sri. Sridhar. A domestic enquiry was conducted. In the domestic enquiry, the Clerk who prepared the documents was not examined. The witness to the confession letter was examined. The complainant V. Gopala did not depose that Kuppaji Rao had obtained his

signatures fraudulently or cheated him. The said witness went away without even signing his deposition. In the investigation report it was stated that the Officer pressurised the contractor and get his statement. The Branch Manager Sridhar did not depose that he was misguided by the delinquent. The Enquiry Officer absolved the employee of the first charge and found him guilty of the second charge. In the personal hearing the employee stated that he was forced to give a confession statement. He was not given a copy of the enquiry Report before the Disciplinary authority concurred the findings of the enquiry. The Appeal preferred by the delinquent was dismissed. The dismissal is illegal arbitrary and in violation of principles of natural justice. The findings of the Enquiry Officer that the second charge was proved when the first charge was not proved is not correct when the second charge was directly linked with the first charge. The past record of the employee has not been taken into consideration. The quantum of punishment is disproportionate to the gravity of charges. Only due to the negligence of the Manager such a grave mistake has taken place. The delinquent employee has been victimised by the management for no fault of his. The defence representative was not given an opportunity to cross examine the complainant. The second charge cannot sustain for the sole reason that the employee was not aware of the loan for Rs. 7,000/-, K. C. Govindappa lodged his written complaint on 3-5-85. On 30-4-85 itself the Officials met him and told about the amount credited to his account. This goes to prove that he lodged the complaint at the instance of the management. The letter dated 4-5-85 was obtained by force and threat. In the lawyer notice of the Complainant dated 31-8-85 there is mention that the delinquent employee has forged his signature and misappropriated his money. One Abdul Khader and another V. R. Rajaram who alleged to have remitted the money were not examined in the Enquiry to prove how and why they remitted the amount. On 23-10-86 the complainant has written a letter to the management requesting them to ignore the oral complaint. So the Tribunal may be pleased to set aside the order of dismissal and reinstate with full backwages and other benefits.

The Respondent filed its counter that the workman was employed as pcon. He was charge sheeted for alleged misconduct of misappropriation. A domestic enquiry was conducted he was given full and reasonable opportunity during enquiry. The disciplinary authority concurred with the findings of the Enquiry Officer and awarded the punishment of dismissal. The Appeal preferred by the workman was dismissed after due consideration. The deposition of V. Gopala and the disturbance created during his examination have been recorded and duly attested by the Enquiry Officer and others. From the existence of Govindappa it was clear that his account has been freely used for credit and debits and the workman was responsible for getting a letter from him to authorise the Branch to reverse the credit to his account. Since the workman admitted his guilt before the Investigating Officer and has given a letter to that effect there was no necessity to make further investigation.

The Manager Sridhar has stated that the charge sheeted employee brought the application or grant of loan. Since the original letter given by the workman was returned at his request the Management could file only a photo copy. The attesting witness clearly stated that he attested the confession only at the request of the workman. During the personal hearing the charge sheeted employees did not complain that he was not given the findings of the enquiry. The charges made against the employee was specific and they are independent in nature. It is proved that the account of Govindappa was credited with Rs. 6,640.30 p. The fact that the Officer who sanctioned the loan did not follow the procedure does not absolve the workman of his misconduct. There is no justification for the workman to make good the amount involved in the transaction if he is not responsible for the same. The proceedings of the enquiry was handed over to the delinquent employees before the disciplinary officer concurred with the findings of the Enquiry Officer. After taking into account all aspects the disciplinary authority awarded the punishment of dismissal. Hence the claim of the petitioner may be dismissed with costs.

By consent M-1 to M-14 and W-1 to W-5 marked.

The point for adjudication is :

"Whether the management of Indian Bank is justified in dismissing Sri K. V. Kuppaji Rao, sub-staff employed in Denkanikottah Branch on the basis of the findings of the domestic enquiry. If not, to what relief the workman concerned is entitled and from what date".

The workman K. V. Kuppaji Rao was working as daftri (peon) in Denkanikottah of the Respondent Branch. For the alleged misconduct of misappropriation committed by him on 12-4-82 and 31-8-83 he was placed under suspension under Ex. M-1. A charge memo Ex. M-2 was given to the workman. The first charge is that on 12-4-82 he misguided V. Gopal a RIP deposit holder with receipt number 226567 dated 8-3-82 for Rs. 37,000/- with maturity date 8-3-85 and raised a loan of Rs. 7,000/- against the said deposit against his actual requirement of Rs. 2,000/- by fraudulently obtaining the signature on the blank form and debit voucher and misappropriated Rs. 5,000/-.

The second charge that on 31-8-83 he again misguided the Branch Manager that the depositor was present in the Banking Hall produced the opening form and loan document purporting to contain the signature of V. Gopal which later found to be forged and fabricated and managed to raise a second loan of Rs. 25,000/- against RIP No. 226567 all without the knowledge of V. Gopal and after adjusting the first loan with interest Rs. 8359.70 p. misappropriated the balance Rs. 16,640.30 p. and utilised the said amount for discharging the debt due by him to K. C. Govindappa

of Nagamangalm—a S.B. Account holder. A domestic enquiry was conducted. Ex. M-4 is the Enquiry Proceedings. Ex. M-6 are the findings of the Enquiry Officer. The Enquiry Officer found the workman not guilty for charge No. 1 and guilty under charge No. 2. Thereafter a show cause notice M-7 proposing the punishment was given. After obtaining the reply Ex. M-11, he was dismissed from service under M-8. The Appeal preferred by the workman was dismissed under Ex. M-10. It is argued by the petitioner's counsel that the findings of the Enquiry Officer that the workman was guilty for charge No. 2 is erroneous since charge 1 and 3 are inter-linked. The enquiry officer has given a finding for charge No. 1 as not proved because the signature found in the loan application and debit voucher were the signatures of V. Gopal the account holder itself. As the forgery of the signatures is not proved he has come to the conclusion that charge No. 1 is not proved. The allegation for the second charge is a separate and the transaction took place on a different date. Even though there seems to be some connection between charge No. 1 and 2 the findings for the 1st charge is not depending upon the findings of the other charge. So the argument of the counsel for the petitioner in this aspect is not sustainable. In the domestic enquiry seven witnesses were examined on the side of the management. MW2 was the Manager when the alleged occurrence took place. According to him on 31-8-83 there was heavy crowd in the Bank and the delinquent produced the loan application Ex. M-12 with the opening form M-5 marked in the Enquiry representing that the depositor is in the Bank hall. Further he says he called the depositor but due to the heavy crowd he could not see him. Therefore he sanctioned the loan. According to the 2nd charge the signature of the depositor V. Gopal was forged in the loan application. Even though there is no direct evidence that the workman forged the signature of deposit holder or he made somebody to forge the signature of the deposit holder the fact remains the signature found in ME-12 deposit loan voucher are not that of V. Gopal's signature. In the Ex. ME-5 there are 5 signatures of the deposit holder. Out of the 5 signatures marked 1, 2, 3, in ME-5 are similar. But the signatures marked 4 and 5 are completely different. The signature found in ME-11 and 12 are similar to the signatures marked as 4 and 5 in ME-5. One cannot sign his name in two different ways when signing at the same time. So the signature marked 4 and 5 in ME-5 and ME-11 and 12 ought to have signed by different person on different occasion. The Account holder V. Gopal who was examined as 5th witness has deposed that he has not availed any loan on 31-8-83 submitting Ex. ME-11 and 12. The subsequent events leads to the inference that the delinquent ought to have involved in the transaction. It is admitted that the workman owed a loan of Rs. 14,000/- to one Govindappa and his father-in-law. It is the evidence of the said Govindappa that he was demanding the loan very often. He further says that the workman told him that he already deposited the amount in his account and asked him to come to the Bank the next day. When he went to the Bank on the next day the delinquent got his signature in a blank withdrawal slip and paid him Rs. 14,000/-

to him. In the meantime a sum of Rs. 16,640.30p has been deposited in the S. B. Account of Govindappa, on 31-8-83. Ex. ME-23 is the copy of the S. B. Account ledger of Govindappa. There it is seen on 31-8-83 a sum of Rs. 16,640.30p has been deposited by cash. It is the evidence of Govindappa that he did not deposit the said amount on 31-8-83 and he does not know now this amount has been deposited. This aspect of the evidence of Govindappa was not challenged by the delinquent employee during cross examination. This amount has been deposited under ME-14 on 31-8-83 signed as self. So from the evidence of Govindappa it is clear that he has not deposited any amount on 31-8-83. This amount tallies with the amount received after adjusting the first loan with interest on the RIP account of V. Gopal under ME-11. So this amount has been deposited only by the delinquent employee on 31-8-83. That is why he has stated to Govindappa that he has deposited the amount in his account. It is the evidence of MW-1 in the enquiry that the delinquent employee made arrangements to deposit the amount and the same is in the custody of 2 respected customers of the Branch. They also paid the amount on 13-5-85. One Abdul Khader deposited a sum of 16,640.30p to the account of Govindappa under M-25 and one V. R. Rajendran deposited a sum of Rs. 11,045.70p in the account of Gopal. On the same day the delinquent employee produced a letter ME-18 from Govindappa to the Manager stating a sum of 16,640.30p was wrongly credited his account earlier and he is depositing the said amount today. It is the evidence of Govindappa that this letter was obtained from him by the delinquent employee.

Further it is contended by the Respondent's counsel that the delinquent employee has admitted his misconduct and gave a confession letter Ex. ME-27 is the copy of the Confession letter. This letter has been attested by one Purushothaman another employee of Andevanapalli was examined in the enquiry. According to him the delinquent employee got his signature as a witness in the letter. The fact that the delinquent employee has given a confession letter is proved from the defence witness when he says that he got back the original of the confession letter from the Regional Manager and from the evidence of the Manager. According to the delinquent employee this confession letter was obtained from him by force. It was not put to the Manager when he was examined that the confession statement was obtained by force and threat but on the other hand an objection was taken that the original confession letter was not produced. When the original was got back by the delinquent it is not possible to produce the original by the Management to the Enquiry. No motive was suggested to the attesting witness to the confession letter to speak falsehood against the worker. Ex. M-3 is the investigating report regarding the misconduct submitted by T. K. Sampath TCO Dharmapuri. He was examined in the enquiry. In the investigation report the Officer has stated the worker has closed his R.D. Account at Andevanapalli Branch. He collected some amount from his friends and from selling wife's jewels and paid the amount to the S.B. Account of Gopal and Govindappa through one Rajaram and Abdul Khader.

The remittance of Rajaram and Abdul Khader is proved by ME-25 and 20. So from the oral and documentary evidence charge No. 2 is proved beyond doubt before the enquiry. So the findings of the Enquiry Officer is perfectly correct.

Regarding the punishment it is contended that it is too severe and disproportionate. The delinquent employee using his position as a Bank employee was dealing with the customer's money for his own use without their knowledge. Even though there is no financial loss either to the Bank or to the customer this misconduct of the Bank employee will reflect on the reputation of the Bank. So the Order of dismissal cannot be considered as severe and disproportionate considering the circumstances and the gravity of the misconduct committed by the employee.

In the result an Award is passed holding that the dismissal of K. V. Kuppaji Rao on the basis of the findings of the Domestic Enquiry is justified. No costs.

Dated this the 12th day of March, 1996.

THIRU N. SUBRAMANIAM, Industrial Tribunal

#### WITNESSES EXAMINED

For both sides : None

#### DOCUMENTS MARKED

For Workmen

Ex.W-1—23-8-85—Explanation by Thiru k. V. Kuppaji Rao to the charge sheet dated 11-6-85 (xerox copy).

Ex.W-2—16-8-87—Letter from the Petitioner-union to the Assistant Labour Commissioner (Central), Madras (xerox copy).

Ex.W-3—2-12-87—Reply by the Management-Bank to the Assistant Labour Commissioner (Central), Madras (xerox copy).

Ex.W-4—2-12-87—Conciliation Failure Report (xerox copy).

Ex.W-5—28-10-91—Judgement of 1st Additional Judge, Coimbatore (copy).

For Management :

Ex.M-1—11-7-85—Suspension order issued to Thiru K. V. Kuppaji Rao (copy).

Ex.M-2—16-9-95—Charge sheet issued to Thiru K. V. Kuppaji Rao (copy).

Ex.M-3—4-7-85—Investigation Report (copy).

Ex.M-4—4-7-85—Proceedings of the enquiry Officer (copy).

Ex.M-5—4-7-85—Documents marked in the domestic enquiry (copy).

Ex.M-6—18-7-85—Findings of the enquiry Officer (copy).

Ex.M-7—5-9-86—Second show cause notice issued to Thiru K. V. Kuppaji Rao (copy).

Ex.M-8—25-11-86—Dismissal Order (copy).

Ex.M-9—6-1-87—Appeal against the dismissal order (copy).

Ex.M-10—9-3-87—Order of Appellate Authority (copy).

Ex.M-11—13-10-86—Reply by the petitioner-union to the show cause notice dated 5-9-96.

Ex.M-12—13-10-86—Defence summing up on the domestic enquiry conducted against K. V. Kuppaji Rao.

Ex.M-13—23-10-86—Letter from Thiru Gopal to the Management-Bank in Telugu language.

Ex.M-14—23-10-86—Translation of ExM-13 in English.

नई दिल्ली, 23 अप्रैल, 1996

का. आ. 1446—ओपोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा सेन्ट्रल मॉहन प्लानिंग एंड डिजाइन इंस्टीट्यूट, रांची के प्रबन्धसत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट ओपोगिक विवाद में, केन्द्रीय सरकार ओपोगिक अधिकरण, (सं. 2) अन्वाद के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार की 22-4-96 को प्राप्त हुआ था।

[संख्या एल-20012/429/93-आई.आर.कॉल I]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 23rd April, 1996

S.O. 1446.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2) Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.M.P.D.I.L., Ranchi and their workmen, which was received by the Central Government on 22-4-96.

[No. L-20012/429/93-IR(C-I)]  
BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### B BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT:

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute Under Section 10(1)(d) of the I.D. Act., 1947.  
Reference No. 21 of 1995

#### PARTIES:

Employers in relation to the management of C.M.P.D.I.L., Ranchi and their workmen,

#### APPEARANCES:

On behalf of the workmen—None.

On behalf of the employers—Shri L. N. Mishra, authorised representative.

STATE : Bihar.

INDUSTRY : Central Mine Planning.

Dated, Dhanbad, the 15th April, 1996

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No L-20012/429/93-I.R.(C-1), dated, the 6th February, 1995.

#### SCHEDULE

“Whether the action of the management of M/s. CMPDIL, Ranchi is justified in not regularising the services of workmen, Sri M. K. Guru, as clerk|typist w.e.f. 30-8-1990 as he was performing the duties of typing|clerk. If not, to what relief is the workman entitled?”

2. Soon after the receipt of the order of reference notices were duly served upon the parties. The workmen|union neither turned up nor took any steps. The management although made his appearance by Shri L. N. Mishra. Thereafter several adjournments were granted and notices were issued to the workmen but they neither turned up nor took any steps. It therefore leads me to an inference that the workmen|union are not interested to pursue their claim before this Tribunal and presently there is no dispute existing between them. Accordingly, a ‘No dispute Award is passed the circumstances.

D. K. NAYAK, Presiding Officer.

नई दिल्ली 23, अप्रैल, 1996

का. आ. 1447—ओपोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धसत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट ओपोगिक विवाद में, केन्द्रीय सरकार ओपोगिक अधिकरण, नई दिल्ली के पंचपट की प्रकाशित करती है, जो केन्द्रीय सरकार की 22-4-96 को प्राप्त हुआ था।

[संख्या एल 12011/20/94-आई.आर. (बी-II)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 23rd April, 1996

S.O. 1447.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New

Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 22-4-96.

[No. L-12011/20/94-IR(B.II)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 106/94

In the matter of dispute between :  
General Secretary,,

Punjab National Bank Employees Union,  
710, Ballimaran, Chandni Chowk, Delhi-6  
Camp Office,  
W-8, Green Park, New Delhi.

Versus

1. The Chairman,

Punjab National Bank,  
H.O., Bhikaji Cama Place,  
New Delhi.

2. The Regional Manager,  
South Delhi Region

Tolstoy Marg,  
Connaught Circus, New Delhi.

3. The Regional Manager,  
North Delhi Region,

Antrish Bhawan,  
Connaught Circus, New Delhi.

#### APPEARANCES:

None—for the workman.

Mrs. Renu Sharma—for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/20/94-IR. B-2 dated 28-9-94 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the contention of the PNB Employees Union, Delhi that the management of PNB, South Delhi and North Delhi Regions are not granting officiating allowance to sub-staff for officiating in clerical cadre strictly as per Para 9.11(b) of the Bipartite Settlement dated 19-10-66 is correct? If so, what relief are the sub-staff concerned entitled to?”

2. During the course of disposal of this I.D. parties sought time for settlement and the management has filed one circular dated 25-11-95 and made statement that vide this circular Mark X all branches have been instructed to pay officiating allowance to the sub-staff officiating in the clerical cadre.

3. None was present on behalf of the workman on that date. In view of this circular the reference has become infructuous. Management shall be bound by the terms of the circular and the statement made by the representative in the court.

19th March 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 23 अप्रैल, 1996

का. आ. 1448.—श्रीधरामिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार न्यू बैंक इंडिया (पंजाब नैशनल बैंक) के प्रबंधनकाल के संबंध नियोजकों और उनके कर्मकारों के के बीच, अनुबंध में निर्दिष्ट श्रीधरामिक विवाद में, केंद्रीय सरकार श्रीधरामिक अधिकरण, के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 22-4-96 को प्राप्त हुआ था।

[मुद्दा एल-12012/66/93- श्री शार्मा (बी-11)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 23rd April, 1996

S.O. 1448.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of New Bank of India. New Punjab National Bank and their workmen which was received by the Central Government on 22-4-1996.

[No. L-12012/66/93 IR(B-II)]

BRAJ MOHAN Desk Officer.

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI.

I. D. No. 66/93

In the matter of dispute between :

Shri Rama Shankar Sahu r/o B-19/20, D-Block, Hastinapur, Meerut.

Versus

Regional Manager Punjab National Bank,  
Regional Office Meerut (Erst While  
New Bank of India).

#### APPEARANCES :

Shri Rama Shankar Sahu in persons.  
Shri M. K. Roy for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/66/93-IR(BII),

dated 1-9-1993 has referred the following industrial dispute to this Tribunal for adjudication --

"Whether the claim of Shri Rama Shankar Sahu that he was an employee of New Bank of India from July, 1987 to 24-12-1991 is correct ? If so, whether the termination of his services with effect from 24-12-1991 was justified ? What relief, if any, is Shri Sahu entitled to ?"

2. The workman in his statement of claim alleged that he was employed as a Mali and he was employed in July, 1987 and was posted at Hastingapur Branch. He worked upto 23-12-1991 and was removed from service w.e.f. 24-2-1992 without any order or compliance of Section 25-F of the I. D. Act. The termination of the workman was malafide and has prayed that he be reinstated with full back wages.

3. The management in its written statement alleged that the dispute was not properly espoused. The workman was engaged for maintaining the lawns of the branch at a monthly payment of Rs. 65/- per month and he used to come for one hour twice or thrice in a week. He was discharging the duties of purely casual nature and not connected with functions of the banking operations. He was not a workman as defined under the Act nor there was any retrenchment.

4. The management did not examined any witness while workman himself appeared as WW-1.

5: I have heard the workman and his representative and representative of the management and have gone through the record.

6. The workman has himself admitted in his statement that he was being paid Rs. 75/- P.M. and also admitted that he was looking after flowers maintenance of garden as Mali. No appointment letter has been produced by the workman and there can be no post the salary of which would be Rs. 75/- P.M. It is, therefore, stands established that the workman Rama Shankar Sahu was working only as a part time Mali in the bank and was not regular employee of the management. He was, thus, doing the work of casual employee and such employees are excluded from the operation of the Desai Award hence they do not fall under the definition of the workman under the I. D. Act. In view of no evidence on record to suggest that the workman was regular employee of the bank whose services were terminated I am of the view that the workman was only a part time casual labour and therefore, was not a workman and entitled to any relief in this reference. Parties are left to bear their own costs.

Dated : 19th March, 1996.

GANPATI SHARMA, Presiding Officer,  
C.G.I.T. New Delhi.

नंदा शिल्प, 34 प्रभ्रेष, 1996

का.आ. 1449.—त्रौदानिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुभव में, केंद्रीय सरकार एवं उसके प्रबंधनन्तर के गवर्नर नियोजकों और उनके वर्तीनों के बीच, भविष्यद में निर्दिष्ट आंशिक विवाद में केंद्रीय सरकार औंशिक अधिकरण, असम के पंचवट को प्रभागित करनी है। जो केंद्रीय संघर का 13-4-96 को प्राप्त हुआ था।

[ला. L-22012/87/89-आईएस (सी-II)]

राजा लाल, ईस्क अधिकारी

New Delhi, the 24th April, 1996

S.O. 1449.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Assam as shown in the Annexure in the industrial dispute between the employers in relation to the management of N.E.C. Ltd. and their workmen, which was received by the Central Government on 23-4-1996.

[No. L-22012/87/89-IR (C-II)]

RAJA LAL, Desk Officer

#### ANNEXURE

IN THE INDUSTRIAL TRIBUNAL, GLWAHATI, ASSAM  
Reference No. 11(C)/89

PRESENT :

Shri J. C. Kalita, B.A. (Hons). LL.B.,

Presiding Officer,  
Industrial Tribunal, Guwahati.

In the matter of an Industrial Dispute :

#### BETWEEN

The Management of

Tikok Colliery, North Eastern Coalfields,  
Coal India, Ltd., Margherita.

#### Versus

Their workmen of North Eastern Coalfields Margherita.

APPEARANCE :

Smt. M. Hazarika, Advocate—for the Management.  
Sri P. Deka, Sri C. K. Das, Advocates—for the Workman.

#### AWARD

The Government of India, Ministry of Labour, New Delhi by a Notification No. L-22012/87/89-IR (C-II) dated 14-9-89 referred an industrial dispute between the Management of Tikok Colliery North Eastern Coalfields, Coal India Ltd. and its workman Sri R. K. Khetri HEMM operator for adjudication by this Tribunal with copies to the parties. On receipt of the said notification a reference was registered and notices are sent to the parties to appear before this Tribunal and to file their written statement. Both the parties appeared and filed their written statement.

The issue reads as follows—

"Whether the action of the Management of Tikok Colliery North Eastern Coalfields, Coal India Ltd. in dismissing Sri R. K. Khetri, HEMM Operator, is justified ? If not, to what relief the workman concerned is entitled ?"

The Management in their written statement contended that the delinquent workman was appointed as Heavy Earth Moving Machinery Operator at Tikok Colliery for loading Truck

with Coal as per the grade mentioned in the Coal despatch order. On payment of the price of the Coal as per quality, challans are issued for different colours for different grades to be loaded in Truck from different dumps displayed with label. Coal despatch No. 9165 dated 26-12-87 for supply of Coal containing 15.1% to 16% ash was issued but the delinquent workman deliberately loaded Coal containing 9.1% to 10% ash in clear violation of the Coal despatch order by ignoring the instruction of the Manager, and thereby caused financial loss to the Company with the intention of fetching higher prices for personal gain committing fraud and dishonesty to the Company. He was charge-sheeted for his misconduct Vide charge sheet No. 1KK/9(A)/1124/87 dated 29-12-87 on a single charge theft, fraud or dishonesty in connection with the Company's business or property Under Clause 10(C)(2) of the standing orders for Collieries. The explanation given by him was not satisfactory. So a domestic enquiry was instituted. The enquiry was conducted in his presence and to his hearing and the witnesses produced by the Management were cross-examined by him. He admitted loading of Coal containing 9.1% to 10% ash instead of 15.1% to 16% ash at the instruction of the supervisor Sri Phuleswar Gogoi. The Enquiry Officer did not accept his plea and found him guilty against the charges levelled against him. On receipt of the enquiry report the Management recommended him to be dismissed from service. The General Manager on perusal of the enquiry proceeding, the documents and the report, accepted the recommendation and passed the order of dismissal on 16-5-88. So he is not entitled to the relief claimed.

The workman was represented by the General Secretary Janata Mazdoor Sangh. In the written statement the allegation brought was totally denied and pleaded that in 1988 the workman was a protected workman holding the post of Treasurer of Janata Mazdoor Sangh. On 28-12-87 he was in 2nd shift duty starting from 3 P.M. He was asked by the supervisor Sri Phuleswar Gogoi to load five Trucks with Coal containing 9.1% to 10% ash instead of 15% per cent to 16% ash. After loading he went to clearing point. When it came to the notice of the Manager having seen the loaded Truck with better grades of Coal, the workman was asked as to why he has loaded Coal containing 9.1% to 10% ash instead of 15.1% to 16 per cent ash, the workman replied that he just obeyed the order of the supervisor Sri Phuleswar Gogoi. It is not his duty to see and check the challan. He faced the domestic enquiry instituted against him, but was not supplied with the copy of the statement of the Manager recorded on 11-1-88 and also the copy of the challan in question. His prayer to call the driver, Khalasi and the Munshi of the Truck as witnesses was turned down by the Enquiry Officer. While on duty on 16-5-88 he was served with the dismissal order effective from 16-5-88. He was a protected workman his dismissal was in violation of the provision of Section 33(3) of the Act. Hence is the dispute challenging his dismissal.

Management in support of its Case examined three witnesses and the workman examined himself. Both sides pressed few documents into service.

What I find from the record is that a preliminary issue as to the legality and fairness of the domestic enquiry was raised which was decided by my predecessor on 4-6-92 holding the domestic enquiry unfair and illegal.

It is an admitted fact that the delinquent workman was a loader of Tikok Colliery. It is also a fact that there are two grades of Coal to be loaded on Truck stacked in different places displaying its brand visibly containing 9.1% to 10% and 15.1% to 16 per cent ash. It is also a fact that the Truck No. ASQ 5579 was issued a challan to be loaded with Coal containing 15.1% to 16% ash but the workman loaded it with Coal containing 9.1% to 10% ash, a better quality of Coal costing higher prices.

Now the question comes whether the workman loaded the Truck with better quality of Coal containing 9.1% to 10% ash with dishonest intention for his personal gain causing loss to the management. Whether his act amounted to misconduct as defined in standing orders for collieries. The workman defended the allegation by stating that it is not his duty to check the challan issued to the Truck, his duty is to load the Truck as ordered by the Supervisor. It is in evidence that on that dateon Phuleswar Gogoi was the supervisor and the workman was the loader.

Burden solely lies upon the workman to prove that he loaded the Truck with better qualities of Coal containing 9.1% to 10% ash as per direction or order of the supervisor. Management witness No. 1 is the supervisor Shri Phuleswar Gogoi. In cross-examination he has stated that he has also been charge sheeted along with this workman for the same allegation but he was absolved from the charges. He has admitted that it is his duty to see the challan and without his instruction Truck could not be loaded; but herein this case he did not look into the challan. This witness further stated that the entry of the Truck at the gate should be made by the driver. After the entry at the gate the Truck is weighed in weigh bridge, thereafter another entry is made at another place, then it came to him and then he accords permission for loading. It is his duty to see how the Truck is loaded as per his instruction. When I have found from his evidence is that he has fully supported the evidence of the workman that he is to follow the instruction of the supervisor. So the loading of the Truck as per direction of the supervisor is neither his fault nor negligence on duty as it was not his duty to see the challan. When the challan is not with him and he is unaware as to what kind of Coal is to be loaded, it cannot be said that he has intentionally loaded the Coal of better quality containing 9.1% to 10% ash in place of 15.1% to 16 per cent ash for the personal gain. Witness No. 3 of the management also stated that the Incharge Puleswar Gogoi is to instruct whether 15.1% to 16% or 9.1 per cent to 10 per cent ash contents are to be loaded. Witness No. 2 deposed that he sent the 2nd copy of the challan to Incharge Phuleswar Gogoi. It is now clear that the challan never reached the loader. He loaded the Truck as per direction of the supervisor; and not of his own sweet will. Carrying out the order of the supervisor is a part of his duty and can not be termed as misconduct. In my opinion, Management failed to prove the malafides on the part of the workman in loading better quality of Coal in Truck No. ASQ 5579.

This Tribunal is dealing with a dispute duly referred by the Central Government for adjudication and not upon an application under Section 33(3) of the Act. When a dispute arises Industrial Tribunal has power to see whether the termination of service of a workman is justified and to give appropriate relief. In case of dismissal on misconduct, the Tribunal does not act as a Court of appeal and substitute its own judgement for that of the management. It will interfere (i) When there is want of good faith, (ii) When there is victimisation or unfair labour practice, (iii) When the management has been guilty of a basic error or violation of a principle of natural justice and (iv) When on materials the finding is completely baseless or perverse. The standing orders for Collieries is not produced before this Tribunal to see the definition of misconduct. Does carry out of the order of the supervisor by a loader in loading the Truck without having seen the challan, amounts to misconduct? The charge was in respect of theft fraud or dishonesty in connection with the business of the Company. Loading of Coal as per instruction of the supervisor is neither theft nor fraud. Whether he has acted dishonesty in doing so.

Since levelling the charge the workman all along pleaded that he loaded the Truck with better quality of Coal as per instruction given by the supervisor. The supervisor in his cross-examination admitted that the loader is to load as per his instruction and it is not his duty to see the challan bearing the grade of Coal to be loaded. In my opinion, management has failed to prove the fact of dishonesty on the part of the loader in loading the Truck No. ASQ 5579 with better qualities of Coal.

It is not known how the supervisor Phuleswar Gogoi was absolved from the charge when the Truck was loaded under his supervisor. Except them, no third person was present at the time of loading. What can be reasonable perceived is that the management has given protection to the supervisor at the cost of the workman. Want of faith should be reasonable and unbiased but herein this case management's action to dismiss him from service has been found unjustified. As a result the order of dismissal is declared illegal and is hereby set aside. The management is directed to reinstate

him in the post he has held at the time of dismissal with back wages and other benefits.

I give this award on this 24th April '96 under my hand and seal.

J. C. KALITA, Presiding Officer

नई दिल्ली 24 अप्रैल, 1996

कानून 1450—आर्थिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रत्यक्षण में, केन्द्रीय सरकार एक सी प्राइवेट कंपनी के प्रबंधन के संबंध विवादों पर उनके कर्मकारों के बाद, अन्यथा में नियंत्रित आर्थिक विवाद में केन्द्रीय सरकार, आर्थिक अधिकारण, धनकाद के पंचपट का प्रतापित करता है, जो केन्द्रीय सरकार का 23-4-96 का प्राप्त हुआ था।

[म. नं. 22012/30/एक 92-प्राइवेट(सी-II)]

राजा लल, डेस्क अधिकारी

New Delhi, the 24th April, 1996

S.O. 1450.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 24-4-1996.

[No. L-22012/30. F/92-IR (C-II)]

RAJA LAL, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

#### PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 26 of 1992

#### PARTIES :

Employers in relation to the management of Food Corporation of India, Patna and their workmen.

#### APPEARANCES :

On behalf of the workman—Shri B. N. Prasad, the concerned workman himself.

On behalf of the employers—Shri M. S. Khan, authorised representative.

STATE : Bihar

INDUSTRY : Food

Dhanbad, the 16th April, 1996

#### AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. 12/2012/30/F/92-IR (Coal-II), dated, the 2nd June, 1992.

#### SCHEDULE

"Whether the action of the management of Food Corporation of India, Patna in dismissing Shri B. N. Prasad from service is legal and justified? If not, to what relief the concerned workman is entitled?"

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2. Pursuant to the aforesaid reference my predecessor-in-office passed an Award on 18-2-94 holding that the dismissal order dated 30-3-91 is unjustified and thereby he set aside the said order of dismissal and the concerned workman was ordered to be reinstated within 2 months from the date of publication of the Award but no order on back wages was given as he had already been receiving full wages even during the period of suspension and also ordered that he would get continuity of service.

3. Being aggrieved as against the said award the management of Food Corporation of India challenged the said Award in a Case CWIC No. 7773 of 1994 (R) in the High Court of Judicature at Patna.

4. Hon'ble Justice Aftab Alam referring the legal position gave a verdict that the Tribunal in this case should not have been given the direction of reinstatement straightway on the ground that the workman was not given any opportunity to make representation against the proposed punishment being denied hearing by the Appellate authority. It was also observed that the learned Tribunal over looked that legal position and thereby failed to exercise its jurisdiction vested in it under Section 11-A of the I. D. Act by not complying his independent mind in the determination of Awarding relief with reference to the facts of this case and thereby the Award was found to be unsustainable in so far as it directs reinstatement of Respondent No. 3 i.e. the concerned workman for the reasons as stated therein. Finally it was ordered setting aside the operative portion of the Award leaving undisturbed the finding recorded therein and remanded the matter back to this Tribunal to consider after hearing of the parties as to whether or not and in view of the finding of proved charges and considering the nature of the misconduct the concerned workman was entitled to reinstatement or be entitled to lesser relief or no relief at all.

5. This Award was received in the last part of September, 1995 and thereafter after observing of formalities the matter could not be completed within the time stipulated and thereby a permission was sought for on 2-12-95 from the Hon'ble High Court for extension of time.

6. After perusal of the copy of the judgement of the Hon'ble Court it is crystal clear that the reason for which my predecessor-in-office setting aside the order of dismissal reinstated with full back wages and other consequential relief were not upheld through the finding recorded therein remained undisturbed and thereby it is presumed that the finding of my predecessor-in-office that the order of dismissal dated 30-3-91 is not justified and the order of dismissal as set aside was upheld.

7. Now the question which invites my decision as per directions of the Hon'ble Court is that what punishment should be imposed under the present circumstances with reference to the materials available in the record.

8. Practically the observation of the Hon'ble Court of Patna Judicature is that the decision of the Tribunal mainly basing on the ground that the proposed dismissal cannot be upheld without giving opportunity for making representation and the Tribunal is not correct and the Hon'ble High Court sent back the case on remand in the purview of Section 11-A of the I. D. Act which was overlooked by my predecessor-in-office. So at the present moment in the light of Section 11-A of the I. D. Act I am to decide whether the order of dismissal deserves set aside.

9. On perusal of the materials on record it reveals that the main allegation for which the workman is charged is that he failed to discharge his responsibility to look after the stock in the godown with proper safety and the shortage thereby both in respect of the wheat bags and empty bags were caused due to lack of supervision of the concerned workman and he was chargesheeted for the same and on a domestic enquiry he was found guilty and thereby he was dismissed.

10. At the present moment I refrain from discussing the facts submitted by the parties in their respective W.S. because after the order of remand of the Hon'ble High

Court that has got little value except the circumstances leading to the imposition of the punishment in view of the finding that he was guilty of such misconduct of negligence and the said finding is to be considered within the ambit of Section 11-A of the I. D. Act and I am to see whether the order of dismissal is too harsh or disproportionate for the alleged offence keeping in mind the span of service which the concerned workman rendered and extent of his liability and the legal position in this regard.

11. Both the parties have filed their written argument before me. On perusal of the Written argument submitted by the concerned workman it goes to show that there are catena of decisions such as LLJ Vol. I 1984 page 546 (Ved Prakash Gupta Vrs Delton Cable India (P) Limited), Indian Factories and Labour Report May 1, and 15, 1984 page 396 (SC) (Jitender Singh Rathore Vrs. Baidyanath Ayurved Bhawan Limited), Indian Factories and Labour Report 1988 (SC) page 719 (Scooter India Limited Vrs. Labour Court). It was held by Their Lordships that justice should be tempered with mercy and though the enquiry was held fair and proper till then direction was given to the management to reinstate the concerned workman with 73% back wages. Another case was cited from the side of the workman reported in SCOT (Labour and Service) January, 1990 page 4 (B. R. Singh Vrs. Union of India) where Their Lordships opined that workmen are entitled for reinstatement besides other facts. In the written argument Clause 5 of the Standing Order No. 14 was mentioned whether also it is pointed out that in awarding punishment under the Standing Order account should be taken into account the gravity of the misconduct, the previous record if any and other extenuating and aggravating circumstances that may exist and in the judgement of the Hon'ble High Court light has been given to consider the matter under the purview of that Standing Order.

12. It is stated in the Written argument that there was misappropriation of 984 bags of wheat but nowhere it has been established by the management nor it is the case of the management that this concerned workman personally misappropriated but only charge which is going to be established that he had latches in the supervision specially when there were 16 to 17 watchmen, 12 supervisors over them. So if any offence has been committed by this workman he can be held responsible for negligence for not supervising the watchmen and others and this leads to the fact that he is not the sole person who can be held responsible though he has become victim of circumstances specially considering the facts that there are supervisors who should be held responsible for such misappropriation if any when they are on duty for 24 hours.

13. No doubt there was another charge that he was absent without intimation for some days but an explanation was given for such absence.

14. In this context reference was made to the past history of his service and reference has been made to the LLJ 1974 Vol. II page 184 where Their Lordships have opined that the management should consider the previous record and gravity of misconduct considering extenuating circumstances as provided under the Standing Order while imposing punishment.

15. From the side of the management also a written argument has been filed and they have supported order of dismissal in view of the finding of the Hon'ble High Court accepting the finding of the Tribunal to the extent that the concerned workman was guilty of the misconduct revelled against him. Of course the operative portion of the Award was set aside which was for reinstatement with back wages and the straightway reinstatement of the concerned workman for not giving him opportunity at the time of imposing penalty was not accepted and they have mentioned the views of the Hon'ble Supreme Court stating inter alia that the concerned workman being in charge of the public property and causing loss of such huge quantity of wheat getting advantage of huge money indulging in a way abusing his official position the misconduct committed by him should be punished with previous punishment and the order of dismissal is justified.

16. I have given my anxious consideration and I am aware of the position that Hon'ble High Court had sent

back the case on remand for judicial consideration of this Tribunal in the light of the legal positions and of the gravity of the offence.

17. It is worthy to mention here that there are catena of decisions where it has been observed by Their Lordships but now a days dismissal of a workman from service practically stands on the same footing of a penalty of death sentence to a person which has been discouraged by the Apex Court even except the case becomes rarest one.

18. No doubt in the instance case the workman has been found guilty of misappropriation of 984 bags of wheat and some empty wheat bags and at best it can be the offence for criminal misappropriation or theft either directly or indirectly and in that case if we remove him from service he will be pushed to a passage again to commit such type of theft.

19. In a case law report in 1989 LIC 1043 corresponding to AIR 1989 Supreme Court page 179 Their Lordship have opined that by invoking the power of the Tribunal under Section 11-A though the order should not be exercised illegally or arbitrarily but the Tribunal Court has a power to interfere with the decision of the disciplinary authority though it has found the enquiry fair and legal and finding not visited and if any direction be given for reinstatement of the employee inspite of such finding on the ground that erring workman should be given an opportunity to reform himself prove to be loyal and disciplined employee of the management company and that will not be considered to be indulgence to a workmen but a chance given to such employee for his amendment without throwing him into astray at this late stage of his service life and also putting his family into trouble depriving him from the bread which is earned by this concerned workman.

20. Therefore, keeping in mind that the concerned workman is guilty of the misconduct by misappropriating either by commission or omission of any act and not discharging his duty for which he was deputed so he is guilty of charges levelled against him. However, irrespective of such guilt I think that without dismissing him straightway if a lesser punishment be imposed of course in the manner so that he can remember throughout his life that he has been punished for his misconduct and it also becomes a lesson to other employees that a wrong doer is subjected to punishment and that punishment is not only cast shadow on his life but it also deprives of his family members from various aspects.

21. Accordingly invoking my power under Section 11-A of the I. D. Act read with the Standing Order as referred to I think that the concerned workman is reinstated after setting aside the order of dismissal dealing him in some lenient manner but not in the rank in which he was working. He should be posted next below the rank where he was and he will not get the continuity of his service and it will be considered that he is newly appointed in that service and his promotion etc. would commence starting from the date of his reinstatement considering it to be a new appointment for his future service life and this order will take effect within one month from the date of publication of this Award.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, ३६ अप्रैल, 1996

का. घा. 1451.—श्रीशास्त्रिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में, दाता शायर एंड स्टॉल कं. लि. के प्रबंधसभा के संबद्ध नियोजकों और उनके फलाईयों के बीच, अनुसंधान में विविध श्रीशास्त्रिक विवाद में, केन्द्रीय सरकार श्रीशास्त्रिक अधिकार्य, (ग. १) अनवाद के पंचवट की प्रकाशित वर्तमान हैं जो केन्द्रीय सरकार द्वारा ३-४-१९६ को प्राप्त हुआ था।

[संख्या एन- १००१२/३४४/८५-३-३(ए) ]

दर्ज माहूर, देश भाषाकारी

New Delhi, the 26th April, 1996

S.O. 1451.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Tata Iron and Steel Co. Ltd. and their workmen, which was received by the Central Government on 22-4-1996.

[No. L-20012/384/85-D.III(A)]  
BRAJ MOHAN, Desk Officer

## ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

## PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 138 of 1986

## PARTIES :

Employers in relation to the management of 6 and 7 Pits Jamadoba Colliery of M/s. Tata Iron and Steel Co. Ltd. and their workmen.

## APPEARANCES :

On behalf of the employers : Shri B. Joshi, Advocate.

On behalf of the workmen : None.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 15th April, 1996

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (384)/85-D.III(A), dated, the 16th March, 1986 :

## SCHEDULE

"Whether the action of the management of M/s. Tata Iron and Steel Company Limited in dismissing from service from 21-7-1985 their workman, Shri Panchu Turi, MC Khalasi of 6 and 7 Pits Jamadoba Colliery was justified? If not, to what relief is the concerned workman entitled?"

2. In this reference notices were duly served upon the parties. But only the management made their appearance through the learned Advocate Shri B. Joshi. Thereafter several adjournments were granted to the workmen but in spite of that the workmen neither turned up nor took any steps. It therefore leads me to an inference that the workmen are not interested to pursue their case before this Tribunal and at present there is no dispute existing between the workmen and the management. Under the circumstances, I have no other alternative but to pass a 'No Dispute' Award in this reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 26 अप्रैल, 1996

का. आ. 1452—श्रीदेवेशिक विकाद प्रधानियम, 1947 (1947 का 11) की घाग 17 के अनुसरण में, केंद्रीय सरकार में, कुन्नम ग्रेनेट कम्पनी मद्रास के प्रबन्धनस्त्र के पंक्ति नियोजकों और उनके कर्मकारों के बीच, अनुबंध में विविध व्यावर्षिक विवाद में श्रीदेवेशिक विकाद, मद्रास के प्रधान को प्रकाशित करती है, जो केंद्रीय सरकार को 23-4-1996 को प्राप्त हुआ था।

[प्रधान पत्र-29011/32/89-आर (मिस्च.)]

वी. पा. डेविड, ईम्प्रेक्ट अधिकारी

New Delhi, the 26th April, 1996

S.O. 1452.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial dispute between the employers in relation to the management of M/s. Kunnam Granites Company, Madras and their workmen, which was received by the Central Government on 23-4-1996.

[No. L-29011/32/89-IR(Misc.)]  
B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,  
MADRAS

Tuesday, the 12th day of March, 1996

## PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal.

Industrial Dispute No. 106 of 1989

[In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Kunnam Granites Company, Madras-83.]

The workmen represented by

The General Secretary,

Then Arkadu Mavatta Thezhilalar Sangam,  
41, Kajampet Street, Tindivanam-604001.

AND

The General Manager,  
Kunnam Granites Company,  
B-254, 50th Street, Ashok Nagar, Madras-600083.

## REFERENCE :

Order No. L-29011/32/89-IR (Misc.), Ministry of Labour,  
dated 6-11-1989, Government of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru. D. Hariparanthaman, advocate appearing for the workmen and of Tvl. Meenakshisundaram and Dwarkanathan, advocates appearing for the management and the parties having filed a joint memorandum of settlement and recording the same, this Tribunal passed the following :

## AWARD

The Government of India, by its Order No. L-29011/32/89-IR (Misc.), Ministry of Labour, dated 6-11-1989 referred for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :

"Whether the action of the management of Kunnam Granites Company, Madras in terminating the services of S/Shri P. Ayyanar, Harikrishnan, Kovilooran

w.e.f. 1-1-88 is justified. If not, what relief are the said workmen entitled to?"

Joint memorandum of settlement filed. Recorded. Award passed in terms of settlement.

Dated, this 12th day of March, 1996.

THIRU N. SUBRAMANIAN, Industrial Tribunal

BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL

I. D. No. 106/89

Then Arkadu Mavatta Kal  
Thozhilalar Sangam,  
41, Rajampet Tindivanam-  
604001.

Petitioner.

vs.

The Management of  
Kunnam Granites,  
B-254, 50th Street,  
Ashoknagar Madras-  
600083.

Respondent.

JOINT MEMORANDUM OF SETTLEMENT

1. The Respondent agrees to pay and the Petitioner Union represented by its Office Bearer, on behalf of the three workmen concerned in the above dispute, and listed below, agrees to receive a sum of Rs. 6500 each (Rupees Six Thousand Five Hundred only) on the said 3 workmen leaving the services of their own and in full and final settlement and satisfaction of all their claims and accounts against the Respondent, including that of Notice Pay, Service Compensation, Earned Wages, Leave Wages, Pre-rata Bonus and ex-gratia in lieu of gratuity not applicable.

1. P. Ayyanar

2. Harikrishnan

3. Kovilooran

2. It is agreed that the amount will be paid forthwith by way of Cash and on payment of the said sum the workmen represented by the Petitioner Union in the above Industrial Dispute will have no further claims whatsoever against the Respondent Management including that of re-instatement/re-employment.

It is prayed that this Hon'ble Court may be pleased to pass an award in terms of this settlement and render Justice.

Dated at Madras this 8th day of March, 1996.

Sd/- Illegible,  
Petitioner Union

Sd/- Illegible  
Counsel for Petitioner.

Sd/- Illegible

Respondent.

Sd/- Illegible

Counsel for Respondent.

तद दिनी, 26 अप्रैल, 1996

का आ 1453—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 की धारा 17 के अनुसार में, केन्द्रीय सरकार में कुम्हम ग्रेनाइट कम्पनी के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध विविष्ट प्रौद्योगिक विवाद में प्रौद्योगिक अधिकारण, मद्रास के पंचम प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-96 को प्राप्त हुया था।

[संख्या एम-29011/31/89-प्राई आर (मिथित)]

वी. एम. डेविड, ईन्स अधिकारी

New Delhi, the 26th April, 1996

S.O. 1453.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kunnam Granite Co., Madras and their workmen, which was received by the Central Government on the 25th April, 1996.

[No. L-29011/31/89-IR(Misc.)]

B. M. DAVID, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU,  
MADRAS

(Tuesday, the 12th day of March, 1996)

PRESENT :

Thiru N. Subramanian, B.A., B.L., Industrial Tribunal,

Industrial Dispute No. 100 of 1989

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Kunnam Granites Company, Madras-83)

The workmen represented by :

The General Secretary,

Then Arkadu Mavatta Kal Thozhilalar Sangam,  
41, Rajampet Street, Tindivanam-604001.

AND

The General Manager,  
Kunnam Granites Company,  
B-254, 50th Street, Ashok Nagar, Madras-600083.

REFERENCE :

Order No. L-29011/31/89-IR(Misc.), Ministry of Labour, dated 23rd October, 1989, Government of India, New Delhi.

This dispute after restoration coming on this day for final disposal in the presence of Thiru. D. Hariparanthaman, advocate appearing for the workmen and of Mr. Meenakshisundram and Dwarakanathan, advocates appearing for the management and the parties having filed a joint memorandum of settlement and recording the same, this Tribunal passed the following

AWARD

The Government of India, by its order No. L-29011/31/89-IR(Misc.) Ministry of Labour, dated 23rd October, 1989 referred for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute :

"Is the management of Kunnam Granites Company, Madras justified in refusing employment of Tamizha, Kalyani, K. Govindammal, Periasamy and A. Sengalani. If not, to what relief the workmen concerned are entitled?"

Joint memorandum of settlement filed. Recorded. Award passed in terms of settlement.

Dated, this 12th day of March, 1996.

THIRU N. SUBRAMANIAN, Industrial Tribunal

BEFORE THE HONOURABLE INDUSTRIAL TRIBUNAL

I. D. No. 100/89

Then Arcadu Mavatta Kal,  
Thozhilar Sangam,  
41, Rajampet Tindivanam-604 001 .. Petitioner

Vs.

The Management of  
Kunnam Granites,  
B-254, 50th Street,  
Ashoknagar Madras-600 083. .. Respondent

#### JOINT MEMORANDUM OF SETTLEMENT

The Respondent agrees to pay and the Petitioner Union represented by its Office Bearer, on behalf of the five workmen concerned in the above dispute, and listed below, agrees to receive a sum of Rs. 6500/- each (Rupees Six Thousand Five Hundred Only) on the said 5 workmen leaving the services of their own and in full and final settlement and satisfaction of all their claims and accounts against the Respondent, including that of Notice Pay, Service Compensation, Earned Wages, Leave Wages, Pro-rata Bonus and ex-gratia in lieu of gratuity not applicable.

1. Govindammal
2. Kalyani
3. Thamizha
4. Sengalani
5. Periasamy

It is agreed that the amount will be paid forthwith by way of Cash and on payment of the said sum the workmen represented by the Petitioner Union in the above Industrial Dispute will have no further claims whatsoever against the Respondent Management including that of re-instalment/re-employment.

It is prayed that this Hon'ble Court may be pleased to pass an award in terms of this settlement and render Justice.

Dated at Madras this 8 day of March, 1996.

Counsel for Respondent

Counsel for Petitioner  
S/- Illegible

नई दिल्ली, 26 अप्रैल, 1996

का.आ. 1454—श्रीदौषिगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अराधी और चिराया तान्ड स्टोन एंटरी के प्रबंधताल के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुंभव में निर्दिष्ट श्रीदौषिगिक विवाद में केन्द्रीय सरकार श्रीदौषिगिक अधिकारण, नं. 2, धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-4-96 को प्राप्त हुआ था।

[मंडपा नं. 29011/43/86-ई-III (बी)]

बी. एम. डेविड, ईस्क प्रधिकारी

New Delhi, the 26th April, 1996

S.O. 1454.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award  
1097 GL/9 6 - 5

of the Central Government Industrial Tribunal, No. 2 Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Aradih & Chiraiya Tand Stone Quarries and their workmen, which was received by the Central Government on the 22-4-96.

[No. L-29011/43/86-D.III(B)]

B. M. DAVID, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.  
In the matter of an Industrial Dispute under Section 10(I)(d) of the I.D. Act., 1947.

Reference No. 98 of 1987

#### PARTIES :

Employers in relation to the management of Aradih and Chiraiya Tand Stone Quarries of M/s. Sadhumal Samandas Tirthani, Gaya and their workmen.

#### APPEARANCES :

On behalf of the Workmen—None

On behalf of the Employers—None

STATE : Bihar. INDUSTRY : Stone Mines.

Dated Dhanbad, the March, 1996

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(I)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-29011/43/86-D.III(B), dated, the 5th February, 1987.

#### SCHEDULE

“Whether the action of the management of M/s. Sadhumal Samandas Tirthani, Owner of Aradih & Chiraiya Tand Stone Quarries, Head Office Bairagi, P.O. & Dist. Gaya in terminating the services of S/Shri Babulal Yadav, Ganesh Yadav and Umesh Yadav without complying with the provisions of Section 25F and Section 25FF of the I.D. Act, 1947 is legal and justified ? If not, to what relief are the concerned workmen entitled ?”

2. Soon after the receipt of the order of reference notices were served upon the parties. Thereafter on two occasions the management appeared

through their authorised representative. But the workmen neither appeared nor took any steps. Subsequently when both the parties did not appear notices were again issued to them. But they neither turned up nor took any steps. It therefore leads me to an inference that there is no dispute existing between them presently and in the circumstances, I am constrained to pass a (No dispute) Award in this reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 26 अप्रैल, 1996

का.पा. 1455.—श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार में, कुबम ग्रामेट कम्पनी के प्रबंधताल के संबद्ध नियोजकों और उनके अवैकारों के बीच, अनुबंध में निर्दिष्ट श्रीदीगिक विवाद में श्रीदीगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 25-4-96 को प्राप्त हुआ था।

[संख्या एल-43011/7/89-माइमार (निश्चित)]  
श्री.एम. डेविड, डेस्क अधिकारी

New Delhi, the 26th April, 1996

S.O. 1455.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of M/s. Kunnam Gramites Co., Madras and their workmen, which was received by the Central Government on the 25-4-96.

[No. L-43011/7/86-TR(Misc)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL TAMIL NADU MADRAS

Tuesday, the 12th day of March, 1996

PRESENT :—

THIRU N. SUBRAMANIAN, B.A.,B.L.,  
Industrial Tribunal.

Industrial Dispute No. 105 of 1989

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the management of Kunnam Granites Company, Madras-83).

The Workmen represented by

The General Secretary,

Then Aikadu Mavatta Kal Thozhilar Sangam,  
41, Rajampet Street, Tindivanam-604 001.

#### AND

The General Manager,  
Kunnam Granites Company,  
B-254, 50th Street, Ashok Ngar, Madras-600 083.

Reference : Order No. L-43011/7/89-IR(Misc)  
dated 6-11-1989 Ministry of Labour,  
Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru D. Harjparanthaman, Advocate appearing for the workmen and of Tvl Meenakshisundram and Dwarakanthan, Advocates appearing for the management and the parties having filed a joint memorandum of settlement and recording the same, this Tribunal passed the following :

#### AN AWARD

The Government of India, by its order No. L43011/7/89-IR(Misc) Ministry of Labour, dated 6-11-89 referred for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947 regarding the dispute .

“Whether the action of the management of Kunnam Granites Company, Madras in dismissing the three workmen, viz. S|Shri Baskaran, Karthamuthu and Kaliamoorthy from service w.e.f. 26-1-88 is justified ? If not, what relief are the concerned workmen entitled to?”

Joint memorandum of settlement filed. Recorded. Award passed in terms of settlement.

Dated this 12th day of March, 1996

THIRU N. SUBRAMANIAN, Industrial Tribunal

#### BEFORE THE HON'BLE INDUSTRIAL TRIBUNAL

I. D. No. 105/98

Then Arcadu Mavatta Kal  
Thozilalar Sangam,  
41, Rajampet, Tindivanam  
604 001

Petitioner

Vs

The Management of  
Kunnam Granites,  
B-254, 50th Street,  
Ashokanagar Madras  
600083.

Respondent

#### JOINT MEMORANDUM OF SETTLEMENT

1. The Respondent agrees to pay and the Petitioner Union represented by its Officer Bearer, on behalf of the three workmen concerned in the

above dispute, and listed below, agrees to receive in sum of Rs. 6500/- each (Rupees Six Thousand Five Hundred Only) on the said 3 workmen leaving the services of their own and in full and final settlement and satisfaction of all their claims and accounts against the Respondent, including that of Notice Pay, Service Compensation, Earned Wages, Leave Wages, Proerata Bonus and ex-gratia in lieu of gratuity not applicable.

1. Bhaskaran
2. Kathamuthu
3. Kaliamurthy

2. It is agreed that the amount will be paid forthwith by way of Cash and on payment of the said sum the workmen represented by the Petitioner Union in the above Industrial Dispute will have no further claims whatsoever against the Respondent Management including that of reinstatement/re-employment.

It is prayed that this Hon'ble Court may be pleased to pass an award in terms of this settlement and render justice.

Dated at Madras this 8th day of March, 1996

Sd/-

Counsel for Respondent

Sd/-  
Petitioner Union  
Counsel for Petitioner.

नई दिल्ली, 26 अप्रैल, 1996

पा. आ. 1456—श्रीशोधिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के प्रनुगरण में, केन्द्रीय सरकार में केरला मिनरल्स एंड मेटल्स लि. के प्रबंधनले के बंद नियोगी श्री पेर तन्ने कर्मकारों के बीच, अनुशंश में निर्दिष्ट श्रीशोधिक विवाद में श्रीशोधिक अधिकरण, कोल्लम के नंबराट को प्रकाशित करनी है, जो केन्द्रीय सरकार को 22/4/96 का प्राप्त हुआ था।

[प्रा. 29012/26/93-प्राइमार (विविध)]  
वी. पर्स. डेविड, ईस्कू अधिकारी

New Delhi, the 26th April, 1996

S.O. 1456.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kollam as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Kerala Minerals and Metals Ltd. and their workers, which was received by the Central Government on the 22-4-1996.

[No. L-29012/26/93-IR (Misc.)]  
B. M. DAVID, Desk Officer

## ANNEXURE

### IN THE COURT OF THE INDUSTRIAL TRIBUNAL, KOLLAM

(Dated, this the 30th day of March, 1996)

PRESENT :

Sri C. N. Sasidharan, Industrial Tribunal

IN

Industrial Dispute No. 17/94

BETWEEN

The Managing Director, Kerala Minerals and Metals Ltd., Chavara P.O., Kollam Dist. (By M/s. Menon & Menon, Advocates, Kochi).

AND

The General Secretary, Titanium Complex Employees Union, Chavara, Kollam Dist.

(By Sri T. Ramakrishna Kurup, Advocate, Kollam)

## AWARD

This industrial dispute has been referred for adjudication to this Tribunal by the Government of India as per Order No. L-29012/26/93-IR (Misc.) dated 28-7-1994.

The issue for adjudication is the following :—

“Whether the action taken by the management of Kerala Minerals and Metals Ltd., Chavara in imposing the punishment of demotion on Sri P. A. Thomas is fair and justifiable ? If not, to what relief the workman is entitled ?”

2. The management before initiating disciplinary proceedings against the workman Sri P. A. Thomas, issued charge memo to the workman which reads as below :

“It has been reported against you that at about 2-10 P.M. on Wednesday, the 27th May 1992, you have entered the cabin of Dr. K. V. Sebastian, Deputy General Manager (Production) in the PTS building and threatened him. It is further reported that you have abused and misbehaved with him. It is also reported that you have been pulled out of the cabin of the Deputy General Manager (Production) by other workers.”

2. The above action alleged to have been committed by you amounts to the misconducts of—

- (i) Riotous and disorderly behaviour and commission of act subversive of discipline under Sub-Clause 14 of Section 30 (i) of the Standing Orders of Pigment Unit.
- (ii) Threatening a superior officer under sub-clause 15 of Section 30(i) of the Standing Orders of the Pigment Unit and
- (iii) Using impolite and insulting language against a superior under sub-clause 16 of Section 30(i) of the Standing Orders of the Pigment Unit."

3. The workman has filed a detailed claim statement before this Tribunal and the contentions are briefly as under : The workman was working as Operator Gr. B under the management with ten years of unblemished service. The management by show cause notice dated 20-4-1992 alleged that he had abused the Asst. Plant Manager. He had submitted proper explanation and the matter was closed. No further communication was received by him. Thereafter he approached the Deputy General Manager for availing leave for the long period for undergoing treatment. He was mentally and physically weak and had undergone treatment for situational stress and liver cirrhosis. But the Deputy General Manager refused to grant leave though the worker earnestly argued for availing leave. He has not done any act subversive of discipline. He was subsequently hospitalised on the same day and undergone treatment. During that time the management issued show cause notice to him alleging false allegations which was received by the wife of the worker. After treatment he submitted explanation. But the management was prejudiced against the worker and an enquiry was ordered with the pre determination of punishing him. The enquiry conducted by the management was violative of principles of natural justice. He was not allowed to freely cross examine the witnesses and important witnesses were avoided by the management. He was not examined. The findings of the enquiry officer is perverse. The enquiry officer used his biased imaginations to find support to the case of management. No case is made out in the enquiry against the worker and the enquiry officer was pre determined to reach a findings against the worker. The charges were vague and there was no material before the enquiry officer to support the findings. The findings of the enquiry officer is false ignoring the deposition of witness. The punishment imposed is liable to be set aside as it is not fair and justifiable. The workman is entitled to get due promotion with all backwages and other attendant benefits.

4. The contentions advanced by the management are briefly as under : The management is a company owned by the Government of Kerala. The workman was served with charge memo dated 27-5-1992 and the explanation submitted by him was not satisfactory. Hence the management appointed the enquiry officer. The enquiry officer allowed the request of the workman to have Sri C. N. Babuchandran as his co-worker in the domestic enquiry. Two witnesses were examined on the side of the management and the workman and his co-worker were present. Those witnesses were cross-examined on behalf of the worker. The list of documents and witnesses were given to the workman before examination of witnesses. The workman after completion of evidence of management submitted that he has no evidence and submitted a statement of defence. The enquiry officer after carefully considering the documentary and oral evidence found the workman guilty of charges except one charge. The management accepted the findings. Though the misconduct proved against the workman was very grave and serious warranting severe punishment, the management taking a lenient view awarded a lesser punishment by reverting him. The present punishment is legal, valid and sustainable in law. The enquiry conducted is legal, proper and valid after affording sufficient opportunity to the workman. He has fully participated in the enquiry. The findings of the enquiry officer are supported by legal and valid evidence and the findings are not perverse. The management is not admitting the statement that the workman working as operator Gr. B with ten years of unblemished service. The matter was not closed as alleged by the workman after getting his explanation. The management was not prejudiced against the workman the enquiry was conducted not with a pre-determination of punishing him. The allegation of the workman that he has entered the cabin of Deputy General Manager for requesting leave is only on after thought and is against facts proved in the enquiry. The workman submitted before the enquiry officer that he has no evidence to be let in and the workman and his co-worker had signed all the proceedings and the deposition of witness in the enquiry. He cannot turn found and allege that he was not examined. The enquiry officer has correctly and properly appreciated the deposition of management witnesses and has come to the correct conclusion. The management denies the allegations that the enquiry officer purposefully ignored the fact that the management failed to prove the charges. The enquiry officer was not biased. The management denies all allegations made by the worker against the enquiry and the enquiry officer. The charges were not vague as alleged by him. The enquiry officer considered all the materials before him and he has not concocted a perverse findings. The enquiry report is not liable to be set aside as the findings

is false and perverse as alleged. The punishment of demotion imposed is fair and justifiable and the workman is not entitled to get promotion or attendant benefit as claimed by him. He was earlier caused to be issued with a memo of charges dated 20-4-1992 for using indecent, valgour and insulting language against the Ass. Plan Manager and also shown threatening gestures. The post conduct of the workman is not clean and unblemished. After considering all the circumstances the management has imposed the present punishment taking a lenient view though the proved misconduct deserved a severe and harsh punishment. The punishment imposed is legal, valid and justifiable in law. There are no grounds to interfere with the punishment. According to the management the union or the workman are not entitled to any relief.

5. The management has imposed the punishment on the basis of a domestic enquiry finding. The validity of the enquiry was attacked by the workman and hence this Tribunal considered that point as a preliminary issue. By order dated 12-1-1996 this Tribunal quashed the enquiry findings. Thereafter the management adduced fresh evidence before this Tribunal for proving the charges levelled against the workman.

6. The General Manager (Technical) of the management company examined himself as MW2 and Exts. M2 to M12 were marked on the side of the management. The workman was examined as WW1 on his side. No documents have been marked on his side.

7. The learned counsel for the workman would contend that the charges levelled against the workman as per Ext. M7 charge memo are vague and lacking material particulars and hence the punishment imposed on the basis of such a charge sheet is liable to be quashed. This point was elaborately considered by this Tribunal and repelled this contention as per the order dated 12-1-1996 mentioned above. Therefoire contention is only to be rejected.

8. The workman was charge sheeted on the basis of a complaint made by the then Deputy General Manager (Production) who was examined here as MW2. He is at present the General Manager (Technical). This witness has proved Ext. M6 complaint given by him to the Managing Director and deposed that the workman on 27-5-1992 entered his cabin, physically threatened him, abused him and misbehaved. He has further deposed that the workman was removed from his

cabin by two other Operators S/s. Rahim and Benny. In Ext. M7 charge sheet the abusive words allegedly used by the workman are not stated. MW2 has not stated such words before this Tribunal also. However, he has categorically deposed the other acts committed by the workman as stated in Ext. M7. According to this witness he has issued Ext. M5 order ordering domestic enquiry regarding the charges of abusing the Asst. Plant Manager on 13-4-1992 by the workman as per Ext. M3 charge memo. Further statement of this witness is that the workman never asked for leave on 27-5-1992 as alleged by him. Ext. M2 is an office order regarding delegation of powers to the officers of management for sanctioning leave. As per Ext. M2 Plant Manager has authority to sanction leave upto 30 days to the workman and similarly placed employees. MW2 has stated that only when the Plant Manager refused to grant leave an employee need approach Deputy General Manager. MW2 has stated that as per the punishment imposed against the workman his officiating charge of Gr. B is only taken away that salary of the workman is protected, everything protected and that there is no other loss due to this punishment. MW2, the General Manager of the management company, has categorically deposed the charges committed by the workman and the other circumstances leading to the present punishment. There are absolutely no reason to disbelieve MW2, a senior officer of the management company.

9. Accoring to the workman he entered the cabin of MW2 for requesting grant of long leave for his treatment. He has given evidence to the effect that he has not committed the charges levelled against him. The case of the workman is that he had filed leave application to the Plant Manager and learning that it was forwarded to the Deputy General Manager, he approached MW2. There is absolutely no evidence before this Tribunal to show that the workman was applied for leave. No attempt has been made to call for his leave application if any submitted by him or the connected register kept in the company to prove that he has applied for leave. In Ext. M10 reply submitted by him to the charge memo or in the statement filed before the enquiry officer or in the claim statement filed before this Tribunal there is no statement that he has applied for prolonged leave to the Plant Manager and after enquiry he went to the cabin of MW2. He was not in a position to state atleast the date on which he has applied for leave. Ext. M8 is the reply submitted by the wife of the workman to the charge sheet wherein it is stated that the Doctor who is treating the workman has advised him absence from duty for one month. Ext. M9 is the medical certificate produced by the workman in which the Doctor who issued Ext. M9 on 28-5-1992 has stated that one month leave is necessary. Ext. M11 is the fitness certificate dated 29-6-1992. Workman has admitted before this Tribunal that as per Ext. M9

and M11 it is clear that one month's leave alone was required. As per Ext. M2 office order Plant Manager is competent to grant one month leave. It is also specific to note that the workman has not enquired about the leave in his credit at the Time Office. To a pointed question by the learned counsel for the management the workman has given evasive answers to the effect that he has enquired at the time office and came to know that some leave is there in his credit. But he was not in a position to say the number of leave in his credit though specifically questioned by the learned counsel for the management. The above circumstances clearly establish that the workman is pleading false case that he has applied for two months leave and went to the cabin of MW2 in connection with grant of leave. On the other hand the circumstances and the evidence of MW2 make it clear that the present statement of the workman that he had applied for two months leave for undergoing treatment and went to the cabin of MW2 in connection with that is only an after thought to escape from the misconduct charged against him. It is also pertinent to note that there is no evidence of any kind of enmity by MW2 towards the workman. No doubt workman has deposed that MW2 is in encamical terms with him but even according to him there are no reasons for such enmity. So the allegation of enmity can be considered only as a pretext to escape from the misconducts charged against him. In this state of affairs I am not persuaded to accept the case of the workman that he went to the cabin of MW2 on 27-5-1992 in connection with grant of two months leave to him.

10. As stated above MW2 has categorically deposed the misconduct committed by the workman towards MW2 and he has proved the charges as per Ext. M6 complaint given by him to the management. It is quite unbelievable that MW2 in his official capacity as Deputy General Manager in 1992 has given a false complaint to the Managing Director against the workman that too without any reason for any kind of enmity. It is also unbelievable that MW2 being the general Manager of the company at present has given false statement before this Tribunal against a worker under him without any reason what soever. I therefore accept the evidence adduced on the side of management particularly the deposition of MW2 in preference to the evidence of workman. Admittedly the workn was charge sheeted as per Ext. M3 charge memo for using abusive, vulgour and insulting language against the Asst. Plant Manager on 13-4-1992. MW2 has deposed that he had issued Ext. M5 letter ordering enquiry regarding the charges as per Ext. M3. Exts. M3 and M5 shows that the past conduct of the workman is not clean and this also support the case of management. On a consideration of the totality of circumstances and evidence I have no hesitation to hold that the management has established that the workman has committed the charges levelled against him as per Ext. M7 memo.

11. It has come out in evidence that the promotion policy in the management company is not yet fixed. The punishment imposed on the workman is only demotion and MW2 has stated that as per the punishment officiating charge of Gr. B is only taken away from the workman and his salary and everything protected and there is no other loss due to this punishment. In view of the gravity of the misconducts committed by the workman towards his superior officer the punishment imposed can only be said as proper and justified. Interference with such punishment will definitely affect the discipline in the company which will adversely affect the working of the company itself which is a Government owned company. It may be recalled that the workman was chargesheeted earlier as per Ext. M3 charge memo for abusing the Asst. Plant Manager on 13-4-1992 also. Further there are no extenuating circumstances to interfere, with the punishment in question. Therefore no interference is called for from this Tribunal with the punishment in question.

12. In view of what is stated above, an award is passed holding that the punishment of demotion imposed on Sri P. A. Thomas by the management of Kerala Minerals and Metals Ltd., Chavara is fair and justifiable and therefore the workman is not entitled to any relief.

C. N. SASIDHARAN, Industrial Tribunal

#### APPENDIX

Witnesses examined on the side of the Management  
MW1.—Sri A. N. Kuttan.

MW2.—Dr. K. V. Sebastian.

Document marked on the side of the Management  
Ext. M1.—File containing, enquiry proceedings, deposition of witnesses, documents and enquiry report.

Ext. M2.—Office order No. 230 of the management company dated 20-4-1988.

Ext. M3.—Office copy of memo issued to the workman Sri. Thomas from the Deputy General Manager of the management dated 20-4-1992.

Ext. M4.—Explanation submitted by Sri Thomas to the Deputy General Manager dated 23-4-1992.

Ext. M5.—Order issued by the Deputy General Manager of the management to the workman dated 21-5-1992 with copy to senior manager (shift administration).

Ext. M6.—Complaint submitted by the Deputy General Manager to the Managing Director dated 27-5-1992.

Ext. M7.—Charge memo issued to Sri. Thomas by the Managing Director of the management dated 27-5-1992.

Ext. M8.—Reply letter submitted to the Managing Director from Sri K. A. Mariamtha dated 5-6-1992.

Ext. M9.—Medical certificate in the name of the workman issued by Dr. Angel Mary dated 28-5-1992.

Ext. M10.—Explanation submitted by the workman Sri. Thomas to the Managing Director dated 21-7-1992.

Ext. M11.—Medical certificate in the name of the workman issued by Dr. Angel Mary dated 29-6-1992.

Ext. M12.—Office order No. 303 issued by the Deputy General Manager of the management dated 19-9-1991.

श्री मंत्रालय  
नई विल्ली, 26 अप्रैल, 1996

का.प्रा. 1457.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एक सी आई के प्रबंधनकार्य के संबद्ध नियोजकों द्वारा उनके कर्मकारों के बीच, प्रतुरंध में निविष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकारण, नई विल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार वो 22/4/96 को प्राप्त हुआ था।

[सं. एल-22012/171/एफ/93-आई आर (सी-II)]

गणा लाल, ईमेल अधिकारी

New Delhi, the 26th April, 1996

S.O. 1457.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 22nd April, 1996.

[No. L-22012/171/F/93-IR-CII]

RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA : PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL : NEW DELHI

I. D. No. 88/93

In the matter of dispute between :

The General Secretary,  
Food Corporation of India, Executive  
Employees Union,  
2337, Dharampura,  
Opp. Chhipiwar, Chawri Bazar,  
Delhi-110006.

#### Versus

The Managing Director,  
Food Corporation of India,  
Khadya Sadan, 16-20,  
Barakhamba Lane,  
New Delhi-110001.

APPEARANCES : None.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/171/F/93-IR (C-II) dated 12-1-1993 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the demand of the workmen of Northern Zone of Food Corp. of India for having time frame for the management of FCI for initiating disciplinary proceedings against them by way of issuing charge sheet is justified? If so, to what relief the workmen are entitled to?”.

2. The case was fixed for filing of documents and admission denial and then none of the parties appeared nor any of other representative came. It appears that the parties are not interested in pursuing the case. I, therefore, pass a No Dispute Award in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer  
14th March, 1996.

श्री मंत्रालय

नई विल्ली, 1 मई, 1996

का.प्रा. 1458.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त गतियों का प्रयोग करते हुए केन्द्रीय सरकार श्री सनातन, सहायक को दिनांक 16-4-96 के लिए उत्प्रवास संस्करण-II, विल्ली के स्वरूप में नियुक्त करती है।

[एस-11011/1/96-उत्प्रवास]

श्री. श्री. नागर, अमर सचिव

Ministry of Labour

New Delhi, the 1st May, 1996

S.O. 1458.—In exercise of the powers conferred by Section 3, Sub-Section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri Sanatan, Assistant as Protector of Emigrants-II, Delhi, for 16th April, 1996.

[No. S-11011/1/96-Emig]

V. D. NAGAR, Under Secy.

नई दिल्ली, 2 मई, 1996

का. आ. 1459.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केंद्रीय सरकार टेलीकॉम के अवधारण के संबंध में नियोजकों द्वारा उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केंद्रीय सरकार ओद्योगिक अधिकारण, कानपुर के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार को 1/5/96 को प्राप्त हुआ था।

[संलग्न एल-40012/84/92-प्राई प्रार (डी-यू)]  
के. बी. बी. उम्मी, डैस्क अधिकारी

New Delhi, the 2nd May, 1996

S.O. 1459.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 1-5-1996.

[No. L-40012/84/92-IR(DU)]  
K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, UANDU NAGAR, KANPUR.

Industrial Dispute No. 74 of 1993

In the matter of dispute between :

Adarsh Kumar,  
S/o Sri Dham Narain,  
135 Aishbagh Nai Colony,  
P & T Lucknow-226001.

AND

Telephone,  
District Manager,  
Lucknow-226001.

## AWARD

1. Central Government, Ministry of Labour, vide its notification No. L-40012/84/92-IR(DU) dt. 19-9-93 has referred the following dispute for adjudication to this Tribunal:—

Whether the demand of Sri Adarsh Kumar son of Sri Daram Narain Ex-daily rated mazdoor for reinstatement w.e.f. 14th

October, 1983 with full back wages is justified? If so, what relief he is entitled to?

2. In this case none appeared on behalf of the concerned workman despite the fact that date of next hearing was in the knowledge of the concerned workman. From the conduct of the concerned workman it appears that workman himself is not interested in prosecuting his case.

3. Therefore, the reference is answered in affirmative for want of evidence and against the concerned workman. Consequently, he is not entitled for any relief.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 मई, 1996

का. आ. 1460.—केंद्रीय सरकार ने यह समाधान हो जाने पर कि ओकहिन में ऐसा करमा अपेक्षित है कि इंडिया गवर्नेंट मिट, नोइडा को, जो ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूचि में निर्दिष्ट है, उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से उक्त मास की कालावधि के लिए लोक उपयोग में वा ओपित करती है।

ग्रन्त: ग्रन्त ओद्योगिक विवाद अधिनियम, 1947 की धारा 2 के खंड (v) के उपांग (6) द्वारा प्रदत्त शक्तियों का प्रयोग करने से हुए केंद्रीय सरकार उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से उक्त मास की कालावधि के लिए लोक उपयोग में वा ओपित करती है।

[नं. एम-11017/1/94-प्राई.प्रार. (पी.एल.)]

एम.सी. गुप्ता, अधिकारी मन्त्रिलय

New Delhi, the 7th May, 1996

S.O. 1460.—Whereas the Central Government is satisfied that the public interest requires that the India Government Mint, NOIDA which is specified in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the sairi industry to be a public utility service for the purposes of the said Act for a period of six months.

[No. S-11017/1/94-IR(PL)]  
H. C. GUPTA, Under Secy.